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OREGON,

OUR RIGHT AND TITLE,

CONTAINING

AN ACCOUNT OF THE

CONDITION OF THE OREGON TERRITORY,

ITS SOIL, CLIMATE, AND GEOGRAPHICAL POSITION;

TOGETHER WITH

A STATEMENT OF THE CLAIMS OF

RUSSIA, SPAIN, GREAT BRITAIN,

AND THE

UNITED STATES;

ACCOMPANIED WITH A MAP, PREPARED BY THE AUTHOR.

By WYNDHAM ROBERTSON, JR.

OF VIRGINIA.

WASHINGTON:

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1846.

5.19.04

MAP
— of the —
UNITED STATES
TERRITORY OF OREGON

West of the Rocky Mountains

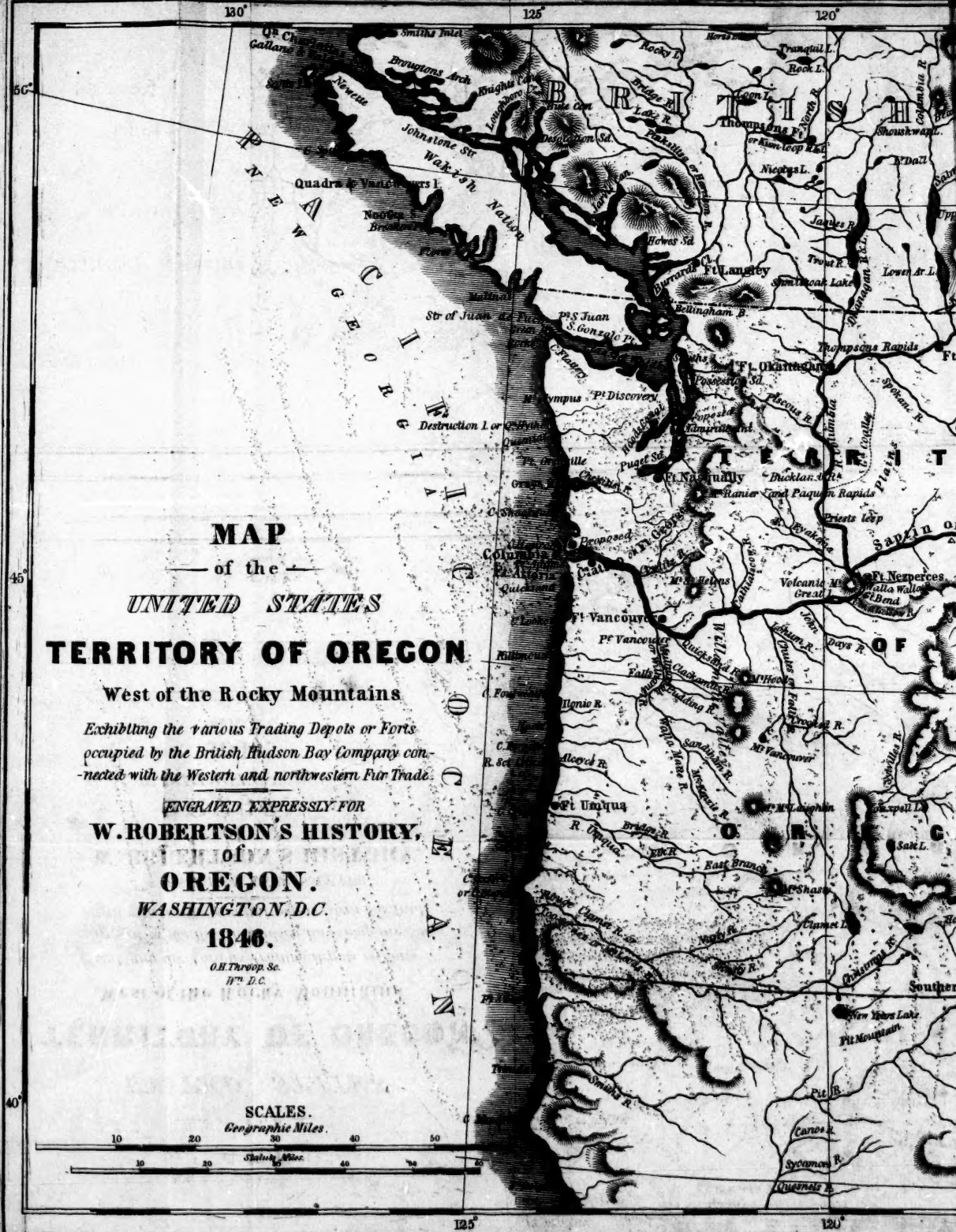
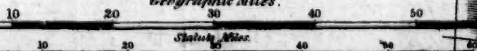
*Exhibiting the various Trading Depots or Forts
occupied by the British Hudson Bay Company con-
nected with the Western and northwestern Fur Trade.*

ENGRAVED EXPRESSLY FOR
W. ROBERTSON'S HISTORY,
of
OREGON.
WASHINGTON, D.C.

1846.

O.H. Throop Sc.
17th D.C.

SCALES.
Geographic Miles.





131730

THIS VOLUME
IS MOST RESPECTFULLY DEDICATED TO THE

HON. R. J. WALKER,

Secretary of the Treasury.

PREFACE.

The "Oregon Question," within the last few years, has engrossed much of the public attention; feuds and parties have been blended, and it has been regarded as a question altogether disconnected from politics; as having nothing to do in its results with the constitutional policy and philosophy of our system of Government, but as a matter touching the *national good*; and, as such, it has been regarded and discussed by all classes and conditions of men.

This work has been published with a view to create no unnecessary or undue excitement respecting the maintenance of our rights as a people to this territory, but because of a sincere desire to see it properly appreciated and adjusted, and its history, as far back as it can be traced, read and known everywhere. In the preparation of this work, the author has carefully avoided using any but the plainest language in the expression of his views; he has availed himself freely of the records of Congress in the collection of important facts and statistical data, shunning all ambiguities and technicalities, and addressing himself to the understandings of the learned as well as the unlearned. The subject has been discussed with moderation as well as firmness, doing no act to provoke, and sedulously abstaining from even the appearance of disregarding the obligation of treaties. We have endeavored to condense, into as small a space as possible, the grounds, both of fact and of public law, upon which we rest our rights; but, in doing so, we have striven to omit nothing material to the investigation.

It may be observed, by those who are conversant with this question, that no attention whatever has been paid to what is commonly called the "*French Title*," merely because it has been esteemed by the author as unworthy of consideration, in comparison with the claims of other nations who have been for years warmly contending for their rights; in the appendix, however, as proposed by a committee of Congress, in 1843, which we subjoin, there is a careful deduction of it, which may be read with some pleasure by the more curious.

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ERRATA.

From the haste with which the foregoing work has been hurried through the press, to meet the demand of the public, a number of errors have been overlooked, which, in the present edition, can be corrected in no other way than by this final notice. The erroneous dates resulted chiefly from want of sufficient time to refer to the manuscript in reading the proof-sheets, and the occasional mistakes of expression are chargeable entirely to the haste of composition.

For the words, "while she dared not openly deny to Spain the rights of her Pacific discoveries," commencing on the 12th line of the 8th page, read, in flagrant violation of the laws of humanity, and of the rights of Spain to her Pacific discoveries.

Page 9, 3d line, for "his vessel," read *the river*.

For the date "1581," occurring twice on the 20th line of the 10th page, read 1592.

For the words, "returned to Mexico," on the 27th line of the 10th page, read, sailed again into the Pacific, at its northern outlet, in 1518, and then returned to Mexico.

For "1780," on the 7th line of the 13th page, read 1789.

For "1775," occurring twice on the line 24th of page 17, read 1795.

For "610" on the 14th line of page 18, read 51^c.

For the word, "Canada," on the 28th line of the 22d page, read British America."

For the "whole territory," on the 7th line of page 23, read, the greater portion of the territory.

For the word, "all," on the 5th line of the 24th page, read, most of them.

In the first page of Appendix, in the head, for "Lieutenant George Wilkes," read *Lieutenant Charles Wilkes*.

APPENDIX

THE following table gives a summary of the results of the experiments conducted during the year 1900, and is intended to be used in connection with the text of the report.

OREGON.

CHAP. I.

Our Right and Title.

The "Oregon Question," in importance, is second to none before the American people. Its bearing upon our agricultural and commercial relations, in view of our vast and growing population, which is extending itself with a rapidity unequalled by that of any nation on earth, renders it necessary that every part of our continent should be peopled, so that the march of improvement may be accelerated, and an impetus given to those engines of power to which a nation looks for its advancement in prosperity. The sovereignty of Oregon has been contested by no less than five of the principal nations of the earth, each of them presenting their claims at different epochs and under different circumstances; it should be considered, therefore, with all that calmness and prudence which is necessary to a subject so interesting and momentous, and which may yet possibly disturb the harmony of at least two large and powerful Governments. In proportion as a country increases in its manufacturing interests, and in agricultural and commercial strength, scope should be given to the laboring classes in their industrial pursuits, so that every requisite and ingredient may be furnished to a consummation of these ends. All political economists concur in opinion, that labor should be confined as little as possible; it should be extended every where, so that all may share in its fruits and blessings, and reap a portion of its many

rewards; hence the propriety of establishing our own people in those sections of country, where they are furnished with the means and advantages of carrying on their operations successfully, and of introducing new designs where they can be exerted most profitably and beneficially.

The course recently pursued by the British Parliament, respecting the claims of Great Britain to the territory of Oregon, has excited the surprise of the American people. It was supposed, in this country, that the subject would never again be introduced in Great Britain, under circumstances so aggravating; that there was a general understanding *there*, as well as *here*, under the treaty of 1827, and that the controversy which has so long existed would, in a great measure, yield to compromise and negotiation. But it appears that the leading men of that country have determined to make it a "mooted point," and to settle it by their cunning diplomacy and strong appeals as they see fit; inducing us to believe, (as though we had not all the facts and statistics connected with the subject, from the day of the discovery of Oregon to the present time,) that they have a right to claim it by cession, and that the laws and usages of nations justify and sustain them in the demand.

The unjust and illiberal assaults of England upon the rights and property of smaller and weaker powers, prove her character at once—her boundless ambition, and her inordinate desire to extend her territorial dominions throughout the habitable globe. She is sleepless in her vigilance, artful and designing in her legislation, and courageous in her threats and declarations. View her history, from its earliest dawn to the present time; see the long catalogue of abuses that have characterized it throughout all its varied stages, and the conclusion is inevitable, that she has often wantonly and knowingly violated the laws of nations, spurn-

ing an adherence to principles of rectitude and of mercy, and following the dictates of a cruel, vindictive, and relentless spirit. She is now, without the least pretence or authority whatever, attempting to alarm the American people with fierce threats and empty boasts, stimulating her Premier with flattery and applause, and urging him, as her actor and agent, to affirm in her councils that Oregon is hers by right, and that the title thereof is "clear and unquestionable."

We beg leave to discuss this subject in a becoming manner; proving, as we mean to do, by an introduction of irrefutable facts, and substantial and reliable evidence, that Great Britain, in view of the cession by Spain, and other cessions, has no right or title whatever to this territory; as far as the parallel of 49° ; that her claims, in comparison with those of the United States, are nugatory and trifling, "founded upon the sand;" and that her demand is a gross assumption of power, unauthorized by the law of nations, and inconsistent with plain facts which have been published to the world. Four great powers have set forth their claims to this territory—Spain, Russia, Great Britain, and the United States, and at one time France, have each, under different and conflicting circumstances, claimed, if not all, a considerable portion of the Oregon. The claims of Spain have been finally surrendered to this country; those of Russia have been adjusted by ceding to her the exclusive right of settlement within ten leagues of the sea, in north latitude $54^{\circ} 40'$, and the controversy for what remains is between Great Britain and the United States.

It is necessary, in the outset, to define the issue between Great Britain and ourselves. It is not a question of *positive*, but of *relative*, right; not whether either party have exclusive control, for the course that has been already pursued clearly proves by each that the other is entitled

to certain rights, but it is the *limit and extent* of these rights that is in dispute, and which has given rise to so much investigation in this country and in England.

The territory in question is the whole country west of the Rocky Mountains, lying between the latitudes of 42° and $54^{\circ} 40'$ north, consequently bounded by the Rocky Mountains on the east, the Pacific ocean on the west, and the northern limits of California, in latitude 42° , on the south, and the southern limits of the Russian possessions in America, in latitude $54^{\circ} 40'$, on the north—thus extending 750 miles from north to south, and averaging about 500 miles from east to west, including some 360,000 square miles. The mouth of the Columbia river lies a few miles north of this parallel of latitude; in its course it receives many tributary streams, both from the north and south, and about 300 miles from its mouth is divided into two large branches, one tending towards the northeast, and the other southeast; the former extending nearly to the base of the Rocky Mountains, and the other quite to its southern boundary; thus draining all the interior of the country, and a considerable portion of that lying nearer the sea. The entrance to the strait of Juan de Fuca is in latitude $49^{\circ} 30'$, on the southwestern side of Quadra and Vancouver's Island. If these facts are kept in mind, frequent repetition may be omitted.

We shall discuss this subject, in order that it may be more perfectly and clearly understood, under five separate divisions or heads, viz: 1st. Our Title. 2dly. What has been done to maintain this title? 3dly. What is the progress of British pretensions to Oregon? 4thly. What has the United States done to protect her settlers? 5thly. The value and importance of Oregon.

1st. *Our Title.*—The claims of the United States are briefly these: Robert Gray, esq., of Boston, Massachusetts,

in 1792, in the ship *Columbia*, first discovered the mouth of the great river of Oregon; he arrived on the morning of the 17th of May, and named his vessel the "*Columbia*." In 1804 Lewis and Clark, in an expedition approved and recommended by Mr. Jefferson, explored this river, giving its coast and tributaries a careful examination, from its source to the Pacific ocean, and took possession, which no one pretended at that time to deny, claiming and calling it a part of the United States. Some time afterwards, in 1810, we think, John Jacob Astor, of the city of New York, sent a colony over by the ship *Tonquin*, the unfortunate history of which is familiar to all, which arrived at the mouth of the *Columbia* in March, 1811, and founded several large establishments in the territory. *These were the first settlements that were made, the first step taken to civilize the country*, which is a strong ground of our present claim under the law of nations. Previous to this, all subsequent history proves that no civilized man ever inhabited the coast of the country, or that which is contiguous, except a few scattered Indians. In the last war it so happened that these posts, those established by the colony, were taken possession of by the British, but were afterwards fully surrendered by the treaty of Ghent to the United States, *unconditionally*, and the validity of the title was duly acknowledged by Great Britain in 1814, in the following terms: "That all territory, places, and possessions, whatever, taken by either party from the other during or after the war, except certain islands in the Atlantic, claimed by both, should be restored without delay." Astoria, under this agreement, was in due form delivered by the British authorities to Mr. Prevost, appointed by the United States as agent to receive it. The act of delivery is as follows: "In obedience to the commands of his royal highness, the Prince Regent, signified in a despatch from the right

honorable the Earl of Bathurst, addressed to the partners or agents of the Northwest Company, bearing date the 27th of January, 1818, and in obedience to a subsequent order, dated the 26th of July, from W. H. Sheriff, esq., captain of his Majesty's ship *Andromache*, we, the undersigned, do, in conformity to the 1st article of the treaty of Ghent, restore to the Government of the United States, through its agent I. B. Prevost, esq., the settlement of Fort George, on the Columbia river. Given under our hands, in triplicate, at Fort George, Columbia river, this 6th day of October, 1818.

F. HICKEY,

Captain of H. M. ship Blossom.

J. KEITH,

Of the Northwest Company."

Acceptance from Mr. Prevost :

"I do hereby acknowledge to have this day received, in behalf of the Government of the United States, the possession of the settlement designated above, in conformity to the first article of the treaty of Ghent. Given under my hand, in triplicate, at Fort George, Columbia river, this 6th day of October, 1818.

I. B. PREVOST,

Agent for the United States."

It appears from this transfer that Astoria is designated as Fort George, from the fact that it was so called from the time of striking the American and hoisting the British flag, by Captain Black, of the ship *Raccoon*. This restoration of Astoria, or Fort George, is another powerful reason in the support of our title, which is founded on *prior-ity and contiguity*; the former of which rights is established as a plain broad principle by all of the first diplomatists of the world. In Vattel, p. 99, sec. 207, we find the following language touching this point :

“All mankind have an equal right to things that have not yet fallen into the possession of any one; and these things belong to the person who first takes possession of them. When, therefore, a nation finds a country uninhabited, and without an owner, it may lawfully take possession of it; and after it has sufficiently made known its will in this respect, it cannot be deprived of it by another nation. Thus, navigators going on voyages of discovery, furnished with a commission from their sovereign, and meeting with islands or other lands in a desert state, have taken possession of them in the name of their nation; and this title has been usually respected, provided it was soon after followed by a real possession.”

Again, chap. xviii, book 1, Vattel says: “When a nation takes possession of a country to which no prior owner can lay claim, it is considered as acquiring the *EMPIRE*, or sovereignty of it, at the same time with the *domain*. For since the nation is free and independent, it can have no intention in settling in a country, to leave to others the right of commerce, or any of those rights that constitute sovereignty. The whole space over which a nation extends its government becomes the seat of its jurisdiction, and is called its *territory*.”

Here we find the language used by Vattel plain and emphatic, and applying directly to the point in issue. This territory, all admit, had “not fallen into the power of any one.” No nation had extended its jurisdiction over it; it was uninhabited, save by savage tribes of Indians; and the navigators, Lewis and Clark, who made the voyage, were fully empowered by this Government, and were commissioned as its lawful agents; therefore, according to the principle laid down by Vattel, the American people, being free and independent, they may be considered as having first acquired the *empire* of this territory, and at the same

time the *domain*. There was an attempt made at London, in 1818, by Messrs. Rush and Gallatin, commissioners on the part of the United States, and Messrs. Golburn and Robinson, on the part of England to close the negotiation. The parallel of 49° was agreed upon by said commissioners as the boundary line from the Lake of the Woods to the Rocky Mountains. A proposition was afterwards made by Messrs. Rush and Gallatin, to extend the same to the Pacific ocean; this was positively declined by the British commissioners, and the negotiation upon this point ended in the following stipulation, which is the 3d article of the convention of 1818:

“It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years, from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves.”

The Florida treaty, between Spain and the United States, was concluded in 1819. The 3d article cedes to the United States all claims and pretensions to any territory upon the western coast of America, north of latitude 42°. By a convention between Russia and the United States, signed at St. Petersburg in 1824, the latitude of 54° 40' was settled as the boundary, controlling the right of making settlements, between the territory claimed by the contracting parties upon the northwest coast of the American continent. The understanding respecting the

rights of Spain was positive. The country west of the Rocky Mountains, between the parallels of 42° and $54^{\circ} 40'$, were reduced to two, viz: the United States and Great Britain. It seems, however, that prior to the convention with Russia in 1824, there was an attempt made by a number of individuals to settle the claims of the *three powers*—Great Britain, Russia, and the United States. A negotiation, after a long dispute and great difficulty, was attempted; but such was the diversity of opinion, and the opposition coming from all quarters, respecting the mode of adjustment, and the means to be employed to effect it, so as to meet with the sanction and approval of said parties, that the undertaking was abandoned, though very reluctantly, by its friends. Each country knowing best its own interests, concluded to negotiate in their own way. This could not be objected to, for there were jealousies then existing that could not be removed, save by the arbitration of the friends of the parties themselves.

Another attempt was made, however, in London, in 1824, by Mr. Rush, representing the United States, and Messrs. Huskisson and Canning, in behalf of Great Britain; many opportunities were sought to settle the controversy amicably, if possible, each setting forth statements and arguments according to their own views; this failed also, and may be attributed to the great excitement prevailing throughout Europe, at the declaration made by Mr. Monroe, in his message to Congress in 1823—"that henceforth the American continents are not to be considered as subjects for colonization by any European powers." A negotiation was again attempted at London, in 1826, between Mr. Gallatin, of the United States, and Messrs. Huskisson and Addington, of Great Britain. Strong fears were entertained that it would result as did those which preceded it. Many months was the matter pending, when in August, 1827, to

the surprise of the people of both countries, particularly our own, an agreement was made to continue the third article of the Convention of 1818, *indefinitely*, either party being at liberty to abrogate or annul it," by giving twelve months notice to the other party at any time after the 26th of October, 1828, when the Convention would expire by its own limitation. During the different negotiations that were proposed, we have at all times agreed upon the parallel of 49° to the shores of the Pacific Ocean, as the boundary between the territories of Great Britain and the United States, west of the Rocky Mountains; this they would never consent to, though perfectly just and fair, but expressed their willingness to take this boundary across the mountains, until it intersected the upper branch of the Columbia; thence to continue the boundary line along the middle of this branch to the main stream, and down that to the Pacific Ocean; the United States to possess all south and east, and Great Britain all north and west of it. The river was to be open of course to the vessels of both countries which might pass at any time without the fear of molestation. After the American Commissioners received this proposal, and not knowing whether it would be approved in America, they waited before making their reply, until they could learn the opinions of the first men of our country, and the voice of the people generally. As soon as it was ascertained in England, that America would not consent to the terms proposed, that they were considered selfish, unjust, and unfair, Mr. Gallatin offered the following: "that if the said line, the parallel of 49° , should cross any of the branches of the Columbia, at points from which they are navigable for boats to the main stream, the navigation of such branches and of the main stream, should be perpetually free and common to the people of both nations." This proposition, though reasonable in all its fea-

tures, was rejected peremptorily by the British Commissioners, who, after great reluctance, consented to yield to the United States the whole territory lying north of the Columbia, as far as the straits of Juan de Fuca, and east from the Pacific to Admiralty Inlet. The British have always contended for the free navigation of the Columbia, from its mouth to 49° of latitude, and upon this point the negotiation has hitherto failed. The United States have ever been unyielding, claiming the exclusive possession south of 49°, and offering to Great Britain, *conditionally*, a right to navigate a part of the Columbia within that limit. She has never contended for the absolute and exclusive right of Oregon, for such a demand would be utterly absurd, but only for that part of it which is not already occupied, only for that which is ceded to her by the third article of the Convention of 1818. She has been perfectly willing to relinquish a part of these claims, and we have insisted upon her relinquishing the whole. The grounds upon which we base our claims are thus briefly summed up in our able treaties on this question for Congress in 1840. "The first discovery and entrance into the Columbia by Captain Gray, in 1792—the first exploration from its source to its mouth by Lewis and Clark, in 1805—the first settlement upon any portion of its borders made by Mr. Astor's party at Astoria, in 1811—the unconditional restoration of this part, which was captured by Great Britain during the war, and restored under the first article of the treaty of Ghent, thereby virtually recognising the territorial right of the United States under the Florida treaty in 1819 of all the titles of Spain, which titles were derived from the discovery and exploration of the regions in question by Spanish navigators, before they had been seen by the people of any other civilized nation; and lastly, upon the ground of *contiguity*, we already possessing the territory up to the eastern boun-

dary." Having, we think, clearly shown from facts taken from public records that our right and title to this territory is beyond question, inasmuch as we claim it from cessions and negotiations made between different countries, particularly from cessions made by Spain and Great Britain during times of peace, we shall proceed to examine the claims of Great Britain after the introduction of additional facts touching the title of the United States. It is acknowledged by all, we believe, that the Spaniards ceded to us all their territorial rights between the northern boundary of new Mexico, and the southern boundary of the Russian possessions; at the time that the surrender was made, strong fears were entertained by the Spanish government, that possibly necessity would compel them in some future day to yield to Great Britain, when they were bitterly opposed to their laws and political institutions, and to the general character and spirit of the people; but they surrendered their claims to the United States, and France did likewise. If this be true, and if either of these countries possessed territorial rights, and had the power to make what disposition of them they pleased under the law of nations, these rights are now possessed by the United States, and can be claimed by no other power. What was the state of affairs about the time of the settlement of the English North American Colonies? The royal patents to these colonies extended westward, even to the Pacific Ocean, and if the British government ever had any right over the region west of the Mississippi, that right was fully transferred to the United States by the treaty of 1783, and therefore precluded, or in a legal phrase, estopped their making any claim to the country at this late day. After the peace of Aix La Chapelle, in 1748, the French government extended their settlements over the valley of the Mississippi, on the east side of that river, and along the Illinois, and along the Ohio

up to Pittsburg, where they built Fort du Quesne. The British government became greatly incensed, and complained of these settlements as *encroachments*, declaring that the whole French territory was on the west of the Mississippi, and that they were assuming rights which they had no right to claim. The whole country was thrown into disturbance, an angry dispute arose as to the means which had best be adopted to put an end to these aggressions, which resulted in the war of 1756, called in Europe "*the seven years war*," and in the United States, "*the old French war*," signalized by Braddock's defeat by the French and Indians, and the capture of Fort du Quesne by the British, which they afterwards called Fort Pitt; and also by the British conquest of Canada. By the treaty of Paris of 1763, (the termination of this war,) the French surrendered to the British the Canadas, and all the territory east of the Mississippi and north of the Ohio; and by the *same treaty* the British relinquished to the French all right to the country west of the Mississippi. This unquestionably confirmed the right of the French to Louisiana, extending to latitude $58^{\circ} 30$ north, and *indefinitely* west; and *every inch* of this was ceded by France to the United States, by the treaty of 1803. No one pretended to deny the *right* of France to make this cession, and the transfer was considered clear and indisputable. The British patents certainly did extend to the North American colonies; if so, the treaty of Paris, of 1763, gave Oregon to the United States beyond the possibility of doubt. Grant, for the sake of argument, that these patents did not extend beyond the Mississippi—that they were strictly confined within these limits—what became of the territory west of that river? Great Britain surrendered it clearly to France, by the treaty of Paris of 1763, and it became ours by the treaty of 1803; so the matter stands thus—whether this territory,

prior to 1763, was British or French, it must be American now, and not British. If it belonged to England prior to 1763, subsequently it was ceded to us solemnly and formally. If it belonged to France before that date, 1763, and held until 1803, it then became ours. We contend, in whatever light the subject is viewed, that Oregon is ours. Suppose we leave out the French title, which was considered valid up to the time of the cession, we still find a bar to any English claim in the right of the Spaniards. In 1790 the British admitted, over and over again, *their right*; for, by the convention between Spain and Britain, dated October 28 of that year, the British obtained merely the right to fish along the coast, and to "land, trade with the natives, and settle," and thus admitted the territorial jurisdiction of Spain. In 1819 this country (Spain) made an absolute surrender to the United States of all its territory on the northwest coast, north of latitude 42°. If this be true, and Great Britain admitted it by the convention of 1789, and these rights being ceded to us by the treaty of Oregon, of course Oregon belongs to the United States, and not to England. But let us glance at the treaty between France and Spain, that establishes our right beyond controversy. By the treaty of Utrecht, of 1714, the boundary line between the British Hudson Bay possessions on the north, and the French possessions on the south, including Canada and Louisiana, begins on the Atlantic ocean, in latitude 58° 30' north, runs thence south to Lake Mistasin, and thence southwest to north latitude 59°, and thence west indefinitely; and by the treaty of Paris, of 1763, the Mississippi is recognised as the western British and eastern French boundary. By this very treaty France yields all her possessions in Canada, south of a line beginning at the Atlantic ocean, in north latitude 58° 30', running thence south-

west to latitude 49° , and thence due west to the northeast corner of Louisiana. Here we find both of these treaties excluding the British from every thing west of the Mississippi, and south of north latitude 49° . And as Britain is excluded by the Spanish convention of 1790, from all territorial rights north of this French boundary, (latitude 49° ,) she is excluded from the whole northwest coast, north of the Mexican boundary of north latitude 42° . Then, as England never had a right to this territory, except an exploded discovery of the pirate Drake, and acknowledged a French right in 1714 and 1763, and an American right to any pretence of British claim in 1783, and a Spanish right in 1790; and as France acknowledged an American right in 1803, and Spain an American right in 1819, Oregon is now American and not British. We have presented these facts, many of which have been stated before, but they go lucidly to prove the validity of the American title, and the utter absurdity of British claims.

British Claims.

1st. Great Britain founds her right on the commercial treaty of Spain in 1790, which we admit was solemnly made and entered into. It was, however, afterwards fully and completely abrogated by war between the two nations, before Spain transferred her claim to the United States. This was admitted by all nations, and by Great Britain herself, which of course gave to Spain the right and power to dispose of this territory, which was *bona fide* and virtually her own, in any manner she saw fit.

2dly. She rests her claim on pretended *priority* to the Columbia river, denying its discovery by Captain Gray in 1792, and giving the credit of it to one of her own navigators, (Mr. Mears,) in 1788, four years after its discovery by Captain Gray. She also affirms that some of her own

subjects, while on an exploring expedition, sailed a considerable distance up the Columbia river, exploring its coasts for many miles, and bringing away with them, as an evidence of the truth of their story, many remarkable productions of the earth, which their own soil had never produced. This, however, was proven to be futile throughout, and was not at all regarded as an evidence of the validity of their title. Moreover, it was afterwards proven that, instead of Mears coasting along the shore from latitude 49° , he was sailing in the longitude of 488 to longitude 458, and was, in truth, hundreds of miles distant from the mouth of the Columbia. As another evidence of the entire failure of his purpose, soon after his return to London, fully satisfied that the idea of a northwestern coast was false and visionary, he gave to the cape and bay of Columbia the name of *Cape Disappointment and Deception Bay*, and published in the daily journals of the city, some of which reached this country, a history of his voyage, never mentioning the discovery which was afterwards attributed to him with so much plausibility.

3dly. Great Britain admits that the 3d article of the Florida treaty fully vests in the United States all the rights which belong to Spain, but maintains a right to joint-occupancy, and to a participation in all the resources and advantages of Oregon, under the treaty of 1827. She contends that all the rights and privileges granted to her by the 3d article of the convention of 1790, commonly called the Nootka Convention, have never been invalidated, and that the same rights she then exercised, having never been annulled, hold good *now* as *then*. Though there was at one time a tacit acknowledgment, on the part of Great Britain, that they had no claims upon this part of the territory, by not interfering or objecting to, in any way, the establishment of American settlements, many of which stretched

along the coast for many miles, when their own vessels, laden with their own goods, were passing up and down the river every day; they *now* insist that the treaty of peace between Spain and Great Britain revived, or renewed, these stipulations, rendering them as good as ever, and placing them in full operation. She has, surely, no claims by cession, except what she may have obtained by the Nootka treaty, all the rights of France and Spain having been ceded to the United States by formal cession—the first by the Louisiana treaty, the second by the Florida treaty of 1819. The rights of Great Britain are defined in the convention of 1790, which we quote as follows: “They embrace the right to navigate the waters of that country, and to trade with the inhabitants and occupiers of the same.”

The reason why England is so very tenacious of her claims to this territory is, that ever since 1813 there has been a steady and constantly increasing intercourse between Oregon and that nation; they have established their fisheries wherever they could, together with their posts and trading houses, which may be found in the interior of the country, and on the tributary streams that can only be reached through the channel of the Columbia. This Government is anxious, as we admit all other Governments are, to extend its vast trade throughout the world, gradually to extend its dominion, and, above all, to place the Hudson Bay Company (which has been often spoken of by Huskisson and Addington) on a foundation that cannot be interfered with. After the free undisturbed use of these waters, which for the last fifty years have been the means of their carrying on so extensively and successfully the *fur trade*, the benefits of which have been felt and appreciated throughout her borders, they are very reluctant, naturally so, to surrender *that* which for a long time they have

claimed as their own, without, as they think, the assignment on our part of any good or just reason. With respect to the occupancy of Oregon, the British are not so tenacious as formerly. Some few years ago a large number of fur traders made considerable fortunes from their establishments planted on the different streams; they were systematic in all their operations, which is the great secret of success in every thing; and there was a congeniality of feeling and of sentiment, which brought about the liveliest interest. The fur was carried to London at a very trifling expense, prepared for market, and sold at tremendous profits; they had vessels of their own, and all that was required was the necessary time of conveyance. The fur-bearing animals of late are not so abundant; the number has greatly and perceptibly diminished, and those which are most sought, because of their value, are hid in the mountain caverns and recesses, away from the rifle of the huntsman. The proceeds of the sales, indeed the quantity of fur procured, has decreased to almost one-half of what it was in 1829 and 1830; as the population increases so will the number of these animals diminish, until at last all interest will be lost from their scarcity.

It is said by Mr. Wyth, a gentleman distinguished for his practical knowledge, and admired for his virtues and noble bearing, "that the profits are hardly worth the labor." He has conducted two parties, at different times, across the Rocky Mountains, and resided west of them for several years, and has never been able to realize even a moderate profit; he says, "that the profits of the Hudson Bay Company, from their collection of furs, within the before named limits, did not, in 1836, exceed the sum of \$10,000." This is a very small profit, looking to the number interested in the enterprise.

It appears that, in 1826, Mr. Clay consented to yield to

Great Britain one-third of this territory. The question had been before the consideration of the American people for some time, and was ably discussed throughout the land by men whose opinions were entitled to weight, and who had carefully examined it in all its bearings, with regard to our country as well as Great Britain. This distinguished man acted, as he thought, with the consent and approbation of a majority of the people. Soon afterwards, it was hoped and believed, that Lord Ashburton had been sent from England with full power and authority to adjust all disputes and difficulties, and to bring, if possible, all contested points to an amicable settlement; but after his arrival it was ascertained that he was only empowered to settle one question of dispute. He remained in America some time at the seat of Government; and it was at first thought that, though he was apparently indifferent, not having any thing to say or do with those authorized to settle the question, that he was, in truth, expressly sent to negotiate the matter, and would in a short time enter upon his duties; this, however, proved to be a mistake, and the Lord returned to England without taking any action whatever. It is possible that he was the bearer of secret despatches to the British minister, and it was surmised by some that he was, though there was nothing positive ascertained, or that could be relied on. We cannot help thinking that we have clearly proven, from a deduction of plain facts and statistics, the validity of our title, under the law of nations, to the territory of Oregon; that, in demanding that portion of it extending to 49° , we are violating no cession or treaty, nor infringing upon the rights of England, or any other power; that we have a perfect right to send our people there, with our constitution and laws, plant our dock-yards, arsenals, and fortifications, and through all time to come, unless our country,

in her giant strides in all that appertains to national honor and glory, meets with some unlooked for and revolutionizing catastrophe, to exercise all the rights and immunities of a republican Government, and the privileges of a free people.

CHAP. II.

What has been done to maintain this title ?

We answer, that the Government has done absolutely nothing. Though for many years continual aggressions have been made by the British, who have been taking gradual possession of this territory, sending over every year their own population, under the protection of their flag, and furnishing them with vessels of war in case of an attack, the Congress of the United States has remained perfectly indifferent, though these facts were presented for their consideration every day in the public prints of the land. This course has been pursued and tolerated for so long a time, that really, to remove them, surrounded as they are by fortifications, and every means of defence, would require a formidable army. There they are, and there they have been for years undisturbed in their pursuits, and unmolested by foreign interference. They fearlessly, as they should have done if determined at all hazards to execute their design, took up, with the eyes of the world resting upon them, the implements of husbandry—the spade, hammer, and axe—and went forth, with a courage that braved all difficulties, into the very interior of this wilderness, to open a new field for generations to come. Many attempts were made, by the timid and doubting, to deter them in their brave and philanthropic enterprise; the dangers incident to the voyage and settlement were eloquently pourtrayed and vividly painted by the strong opposition who held up the idea to scorn; the press teemed with melancholy forebodings and revolting prophecies; but nothing would swerve them; they resolved to brook all difficulties, and prove to the world that “perseverance

and labor conquers all things." Their object has been in a great measure accomplished; where the foot of the red man trod, they have erected their huts and cabins, and the hum of the loom and spinning-jenny tell their purpose to carry on the work of civilization. They have become permanent settlers, perfectly acclimated and well satisfied; and they are anticipating what they will soon realize, unless we take some firm and decisive step—an increase, and a vast one, of the British population. Had it not been for Mr. Jefferson's message to Congress in 1803, recommending, and almost insisting upon, the exploration of the north-western coast by our own men, Lewis and Clark, and urging, in language almost irresistible, the propriety and absolute necessity of making an appropriation for carrying on this work, the undertaking, in all probability, would never have been made; or, if made, relinquished before its consummation. Congress, at first, was opposed to the scheme, to the surprise and indignation of all parties, for party had nothing to do with a matter purely national in its character and results; and had it not learned in a very short time the wishes of the people, and that the rejection of a proposition, coming from a statesman so capable of advising, which was so admirable and politic, being universally approved, the presumption is that no action would have been taken whatever, while the British were perfecting plans and making inroads which foretold their ultimate success, unless a change took place. After the subject had been considered by the members, the appropriation was made, and here the matter rested, most unfortunately, for a long period of time. Nothing was done until 1815, an interim of twelve years. At this most important and critical juncture the whole nation, the Legislatures of the different States, Congress, the Senate, the ex-Presidents, and all in authority, seemed to labor under a false impression

that England had no idea of sending her forces to Oregon; that she was so deeply engrossed with her internal affairs, then somewhat disturbed, that no attention would be paid to minor considerations. The opinion was, that she regarded it as a wild sterile region, for which she would not give one farthing, and that no fear need be apprehended of her taking possession. At this very time the greatest minds were projecting ways and means by which they could claim, not a part, but the whole of the territory. The subject was not introduced into the *House of Commons*, for fear of its being made public; an attempt was made to do so, which failed. The whole country was on tiptoe, including Scotland and Ireland, and all the distant dominions of Great Britain, to send over their colonies and occupy the whole territory, until the United States, perceiving this intention, positively and emphatically demanded the restoration of Astoria, under the first article of the treaty of Ghent. This caused a panic throughout England; it came upon them at a time when they thought their scheme was in the very act of being carried out. They little suspected what was going on, when it was believed that the United States was indifferent about the possession of Oregon, considering it incapable of cultivation. This application they seemed unwilling to grant; she considered it unreasonable, in view of the long time that had elapsed since she sent over her first settlers, and a trespass upon her own rights. The American Government was prompt and decisive, reminding her of the lessons taught her in 1775 and 1776, and insisting that she had no right to claim that which all nations had acknowledged not her own. The surrender was made, though with great reluctance; and the British, though yielding to the application, felt convinced that, in the course of time, the United States would underrate the value of this vast territory, and consequently

abandon all claim to it. She found that the title, if not false, was founded on the merest pretences, which would not justify her in taking hostile steps; and, though her leading men in Parliament and out of it, were strong in their abuse and denunciation of the prevailing opinion in America, that the cession of Spain gave to the United States the clear and undeniable right of occupancy, and was valid in all time to come. It happened, soon after, that England founded her claims on an absurd title of discovery before alluded to—an annulled treaty with Spain—and upon a miserable fancy of a fanatical priest, whose imaginary travels and discoveries are ridiculed and discredited by their own historians, and by all contemporary and subsequent authors. These pretensions, as all other British pretensions have been, and must be, are now sanctioned by the principal men of Europe. The negotiation of 1827, which gave to Great Britain the right of joint-occupancy, and the privilege of erecting settlements, and the free use of the Columbia river and its tributaries, greatly added to her assumptions, confirmed her purpose to advance in the enterprise, and the intelligence was enthusiastically hailed from one part of the country to the other. There were meetings of rejoicing and congratulation in several of the largest towns and cities; in Manchester, for instance, there was a regular organized party, who insisted upon having Oregon, if not by compromise and negotiation, at the cost of blood and treasure. Those meetings were riotous and noisy, the speeches were characterized by violence and fanaticism; appeals were made to the passions and prejudices of the populace; no argument, no “sober second thought;” nothing done that was calculated to maintain peace and good order. This treaty of 1827 was regarded as a passport to aggression; a *tacit* acknowledgment of the willingness of the United States to submit

to her superior claims. An impetus was thus given to her movements; ships were manned and fitted up, and there was a spirit abroad which plainly foretold their determination to be gradual, but certain, in the occupation of the whole territory. The people of America, notwithstanding this general excitement, remained perfectly inactive, and rather consented, by their silence, to the proposed assumption, making no effort to put an end to this maniac spirit, sending out no forces to defend her own soil, causing no excitement to bring about a determined will, but only threatening, not intending, to execute, unless from *dire* necessity.

What has been done to maintain our title, to uphold our rights, which those who have gone before us pronounced to be clear? Where is that chivalrous spirit, so nobly displayed at Bunker Hill, Georgetown, and Princeton? We have a perfect and undeniable right to maintain our jurisdiction; all must admit it who view this question impartially. If so, why this apparent indifference? Why this putting off, from one year's end to another, a matter that touches so vitally the national good? Delay will avail nothing; on the contrary, it will soon bring with it dangers and difficulties. Have not foreign nations, wholly disinterested, concurred with us in opinion that our title is as good as it can be, being sustained by the law of nations? What more is needed? Do we want additional evidence to confirm it? If treaties and cessions, solemnly made at times of peace in convention, are not sacred, we should like to know what is binding between nation and nation. If they are not annulled by agreement, are they not obligatory? The people of the United States, though having permitted years to pass without vindicating their rights, should act at once, resolutely, firmly, and fearlessly. Emigration should take place *instantanter*; we should people

this land, precisely as the farmer peoples his plantation; and any foreign attack should meet with our prompt and united resistance; our fortifications and harbors should be built forthwith, and an appropriation made by Congress, recommended by the Executive, to defray the necessary expenses. That which belongs to us, which all admit to be our own, save those who are prejudiced, England has never had any respect for whatever. She has looked upon our laws and commercial regulations with indifference and contempt, and ridiculed the theory of our system of Government. We should allow no nation to invade our rights; and, if needs be, they should be valiantly defended at the cannon's mouth. We never interfere with the rights and property of other countries; we have nothing to do with them, directly or indirectly; they are separate and distinct powers, with their own authorities and legislative functions, and have a right to exercise them in their own way. This principle has been carefully observed by the American people, who love their honor as they do their lives, and are ready at any time to strike a blow for their country.

In a letter from Mr. Hugh Burns, dated Multnomah city, Oregon territory, October 29, 1844, we find the following very interesting statement: "There is one very important thing that emigrants to this country should bear in mind, and it is starting *early in the spring*. They should be one hundred miles at least above the settlements by the first day of May. By so doing they will accomplish two things that will be of the utmost importance to them. By starting in April they will be enabled to cross all the rivers, east of the mountains, before the melting snows swell the streams. Secondly. If they manage well, and don't get too lazy, they can get here by the first of September. Thus they will reach here in fine weather, and can build their houses and sow their wheat before the bad

weather sets in. If they do not start before the usual time, (May 20,) they are sure to meet the summer freshet, and this will detain them some three or four weeks. Besides, it delays them so much that they cannot get here until late in the fall; and in crossing the Cascade Mountain, which is far the worst mountain they have to cross, they will meet with rain or snow, and the mountain torrent from those snow-capped mounds which overhang the way. The emigrants should not come by water from the Dalles, for it is a dangerous stream. If any of your friends are coming across, tell them as soon as they can get ten wagons and thirty men together, to put plenty of provisions and ammunition in their wagons, and start. Ten wagons are enough. All this bugbear about the Indians is got up by the mountain men who are in the States, and want to get back to Oregon and the mountains, and get paid for it. I say again, that ten wagons and thirty men is better than five times the number; for the small number can always move along with more rapidity, equal safety, and harmony; and, what is particularly desirable, always obtain plenty of good bread and meat. Let them give their soap tubs to their friends, for we don't want any of their soft soap here. Some of the last year's emigration actually brought their old wash and soap tubs all the way from Clinton county.

In my last I informed you that I had laid off a town, and named it *Multnomah city*. On the opposite side of the river, east of this, is Oregon city, which is improving rapidly. It already boasts three saw mills and two flour mills, one with four run of stone, with the best machinery I ever saw in a mill; *one hundred and forty houses*; a tan yard, brick yard, and mechanics' shops of all necessary trades. We have also a brig of two hundred tons under way; and house building is only retarded by the want of nails. In every other respect, too, our country improves.

beyond description. I never saw such harvests; it would gratify you to see the loads of wheat that pour into this section, to be manufactured into flour for exportation. The emigrants of last fall did not secure their claims until Christmas, and many built their cabins, made fences, broke up the new ground, and raised as much as a thousand bushels of wheat. I wish I could send you a sample of this. We can plough all the winter. The working cattle get nothing but grass through the winter, and keep in fine order; some of our farmers own as many as five hundred cattle, and but few less than fifty. The times are very good here; produce and labor both high. Flour ten dollars per barrel; beef six dollars per 100 lbs.; pork ten do.; wheat one dollar per bushel; potatoes fifty cents do.; peas one do.; coffee 25 cents per pound; molasses 63 cents per gallon; salt one dollar per bushel; iron 12½ cents per pound; cast steel 38 cents do.; board four dollars per week; common laborers two dollars per day; mechanics four dollars per day. By this list you can judge yourself. Besides, I should say that we are a debt-paying people, and ought to be a happy people. But one thing is wanting, and this our Government should long since have extended to us—I MEAN ITS PROTECTION."

It appears that the writer of this letter is deeply surprised at the want of interest which is manifested by the people of the United States respecting the American settlers in Oregon. It is a direct and urgent appeal to Congress, and one that should be heeded without the least hesitation; a vast majority of the American people are in favor of it, and they are in favor of it because of the progress that is being made every day in population, in the arts and sciences, and in all that appertains to national wealth and greatness. There cannot be an extension of our people and laws, unless protection is afforded; it would be truly

surprising if there was. Mankind will never surrender the inestimable privileges of social life, and the advantages of civilization and refinement, without a guaranty of as good or a better state. Here his person and property are protected by the laws of the land; and in changing his condition, and removing to a distant and hardly civilized country, he knows not what his condition may be, "whether safe or unsafe, happy or unhappy."

CHAP. III.

What is the progress of British pretensions to Oregon?

We propose out of her own mouth to condemn her. This country, on the 6th of October, 1818, virtually surrendered her claims, fully recognising the American title, and giving up her entire and absolute allegiance; but strange to say, in the same month, before said surrender was hardly known in the United States, it is a positive truth that it had not reached the extreme southwest, when England commenced a most dishonorable and unjustifiable policy of *keeping the question of settlement in abeyance*, that she might *first assume, and then assert her title*. Though this course was deprecated, not only in the United States but likewise in England—we mean by the yeomanry, as well as by men of good talents and high standing—those who were groaning under the iron sceptre of monarchical bondage expressed their opinion in open opposition to a course at once unjustifiable and dishonorable, and at variance with the common usages of all nations. The excitement for a long time was tremendous—the whole country seemed to be in a ferment; Scotland and Ireland, and all the distant provinces of Great Britain, did not hesitate to avow openly their uncompromising opposition. The storm at last subsided, and the question, from that day to this, has remained unsettled; which may be attributed to want of firmness and decision on the part of our men in authority. They should have insisted, resolutely, on a final and honorable adjustment, uninfluenced by any other consideration. The question ought not to have remained unsettled a day longer than necessity required; prompt and energetic action should have been taken, bringing

together all conflicting elements, compromising all difficulties, or causing an open rupture. The representatives of the American people have been eye-witnesses to the policy of England; they have had before them, for years, her entire history, with its long catalogue of abuses, from which they might glean valuable and instructive lessons; but they have been waiting, we suppose, for an opportunity—for a proper time—to assert and maintain our rights. Can any future time be more suitable for the settlement of the question than the approaching session of Congress? Will the present state of affairs admit of procrastination? Does not the experience of the past—"the most faithful and trusty of all monitors"—tell us that delay may be attended with the most unfortunate and serious results? In proportion as the delay is great, so are difficulties increased and obstacles made stronger. The British emigration will increase, and their trading houses multiply, until the whole territory will be covered with *their* posts and settlements. Great Britain will ask again, why she has been permitted so long to enjoy the advantages and benefits of this country without American interference? Why she has not been before driven to her own coasts, if the title under which she founds her claim were false and illegal? Why she has not been denied, years ago, the navigation of the Columbia river, if it belonged exclusively to the United States, and was open to no other country? These questions must arise, and they can be answered neither plausibly nor honorably.

The question of boundary should have been settled long ago, but better "late than never," and the rights and limits of each party clearly defined and firmly established, so that there will be no possible chance of collision hereafter. This can be done in a very short time by a committee of Congress, and the people of this country will then know

how to act, and what to expect. It was hoped, in the year 1844, that the difficulty, being submitted to Messrs. Calhoun and Packenham, would be settled forever; that their diplomatic knowledge and profound skill would enable them to put at rest so vexed and troublesome a question. Deep anxiety was felt every where, but unfortunately there was no understanding, and nothing done that was definite; obstacles were in the way that could not be removed; justice to both Governments, it appears, could not be done, and there was an indefinite postponement. Since that period there has been a change in the affairs of the Government; a new administration has taken charge of affairs, and we find, in its very outset, the President, to the delight of all parties, declaring *positively*, from the portico of the Capitol, surrounded by thousands of his fellow-citizens, that our title to this territory is "*clear and indisputable*." Here we find a fixed settled conviction, expressed in the very outset of his administration, that we are claiming what belongs to us, on the authority of the law of nations. It has been contended by England, that the Columbia river is the only inlet, and of consequence outlet, to their establishments on the different tributaries; and, as such, they would not consent, under any circumstances, or on any terms, to a surrender of it. But subsequent developments have exploded this excuse, and put an end to any future difficulty. The Columbia river, several years ago, was, in truth, the only navigable channel of communication between the ocean and most of the trading houses of the Hudson Bay Company west of the Rocky Mountains. Since then there have been several rivers discovered of considerable size, viz: Frazer's river, called by Harmon the "Nocholtatum," in latitude 53°; Stickene's river, in 56° 50'; together with a number of other small streams, to which as yet no names have been assigned. It is very certain that Great Britain

will never consent to relinquish her right to the free use of the straits of Juan de Fuca; if she continues to hold the region north of 49° , it is almost impossible for her to do without them; they are essential in her trading operations, inasmuch as they afford convenient and safe access to a large and valuable portion of the territory. These straits are of considerable size, being at the entrance three leagues wide, from which the width greatly increases. It is surrounded by a number of fertile and beautiful islands, many of them the finest and most accessible harbors in the world, and the fishing for miles around is said to be excellent. A distinguished writer thus speaks of "Admiralty Inlet: it branches off to the south, and runs towards the main stream of the Columbia, to the latitude of 47° ; and all these islands, harbors, and inlets, will be within our limits should we claim the region up to 49° . This strait, with all its branches, being easy of access, safe, and navigable at all seasons, and in any weather, while the mouth of the Columbia is at all times dangerous to enter, and for a considerable part of the year almost inaccessible. I cannot but think that the strait will ultimately be the great channel through which will pass most of the products of the whole region drained by the Columbia and its branches." This division of the subject has greatly excited the public attention, merely because it has been generally thought that Great Britain would never agree to surrender it; upon this point, however, she has been exceedingly tenacious, and in all the negotiations that have been made the fact has been observed and remarked. This is not surprising, for the acquisition of this region would be extremely valuable to her, particularly in her commercial operations, and also as a resort for her ships of war and commerce. It is true, the general aspect of the whole country—its adaptation to agriculture—has been greatly exaggerated, being

represented by some writers as a paradise, where riches could be accumulated almost by magic; while others have spoken of it as a country unfit for any purpose whatever. It has been conjectured, by several reasoning men, that it is so entirely covered with immense beds of rock and flint, which extend over whole acres down to the very coasts of the river, that it would be impossible to attempt, with success, any thing like husbandry.

According to my observations and researches, both of these accounts have been greatly exaggerated. Those who have painted its beauty, looked at it doubtless in contrast with the dreary regions they had passed through in reaching it; for the whole country, sometimes for hundreds of miles, presents a dreary and uninviting aspect, while others may not have made sufficient allowance for the gloomy appearance which a large portion of an uncultivated country, in a very high latitude, usually presents. A memoir, prepared by Mr. Wyth a few years since at the request of Congress, contains the clearest, most important, and faithful representation of the territory, its soil, climate, &c., which we have met with. The following is an extract:

“South of the parallel of 49° , near the borders of Admiralty Inlet and Puget's Sound, and in the valley of the Wallamette or Multnomah river, which empties into the Columbia, and upon the banks of which the principal settlements of emigrants from the United States have been made, and in some other places, the appearance of the country is attractive, the soil good, and well adapted to agricultural purposes; and so likewise is the eastern side of Queen Charlotte's islands, and some other places north of 49° . But I have neither seen nor heard of lands in any part of this territory, that are superior to the millions upon millions of uncultivated acres within the limits of the United States, on this side of the Rocky Mountains; and I doubt

if those who are dissatisfied with the state of things eastward of those mountains, will find their condition much improved by emigration to Oregon. They will find, as emigrants to a new and unsettled country have too often found, that—

“ 'Tis distance lends enchantment to the view.”

One thing is very certain, that our right and title to this territory is beyond cavil or dispute, and it matters not whether it is the most fertile portion of the world, or the most barren and unproductive, it is ours, and we have a right to it; surrender it or not, as our Executive and Congress see fit, we consider the title as clear as that which gave to the United States Florida or Louisiana, and no country has a right to claim it, any more than they have a right to claim either of these States.

By the 3d article of the treaty of London, we repeat, it was agreed that the country on the northwest coast of America, claimed by either party, should be open for ten years, without prejudice to the claims of either. About this time Great Britain seemed to be coming to her senses—to value properly the claims of the United States, and to view the question in a tolerably fair light—a majority of those who had been most excited ceased, in a great measure, their denunciations, and affairs began to wear a quiet aspect; but in the memorable treaty of 1827, Mr. Adams and Mr. Clay, the former acting as President and the latter as Secretary of State, consented, most unfortunately, to give to Great Britain all north of 49°. This unpopular move was hailed with joy and gladness in the British Parliament and in England, and one burst of congratulation rang throughout her borders; politicians of all classes and grades, as well as religious sects—protestants, catholics, and calvinists—joined in the jubilee. It is not surprising that this intelligence was highly gratifying, for

the opportunity was at once afforded her to claim, by degrees, the exclusive territory. Since this time forward England began to set up her pretensions in a stronger and more forcible light than ever, and they have been progressing rapidly ever since. But the claim was not *bona fide*; hardly twelve months had elapsed since the British negotiation of 1826 declared in the face of the world, "*that Great Britain claimed no exclusive authority over any portion of that territory.*" Here the question was put at rest; this people had declared solemnly, in view of their naked pretensions and their obviously false claims, that they were willing to let the subject rest—to decline any further disputation or debate. But in one short year the fires were rekindled. Unlucky era for America! "Great Britain claimed no exclusive authority," while the treaty of 1827 gave her the right of joint-occupancy. From this negotiation, it has been aptly said, has been hatched the chicken "that now flaps its wings, and crows over the empire corporation which England is cherishing to emulate in Oregon." Mr. Adams and Mr. Clay, acting as the agents of the United States, were placed in truly a responsible situation; all eyes were turned to them in eager expectation, while performing so high and important a public trust; and the most intense solicitude pervaded the whole Union, from its northern to its southern borders. Hopes were entertained every where that the question would be finally and amicably settled, and that Great Britain, as she had consented to do, would exercise no longer any jurisdiction; that the United States would take a firm and undeviating position, proving to the world that knowing her rights she means to maintain them. But the issue was had, and unlooked for it came upon the American people when they were unprepared for the blow, and they felt it severely. Great Britain became a joint-tenant! a co-laborer in the

vineyard; exercising the right and privilege of coasting in all directions, and planting her forces wherever she saw fit. The Columbia river, and all its tributaries, was open to her; and she had a right to locate her men where she pleased, and no one could interfere with them. Six and twenty years have been permitted to pass unimproved; the question stands *now* as *then*, with this exception, that the claims of England are doubly stronger to-day than when this negotiation was entered into. She has increased in population, sent over additional vessels to guard her possessions, as she calls them, built fortifications, and increased her naval stores, until she regards the whole territory as virtually surrendered by the United States. For some time past strong fears have been entertained by the agents and superintendents of the Hudson Bay Company, that they would be disturbed in their operations; and in that view they have stationed vessels on the coast, and also a steamer of large size, to conduct the intercourse. Notwithstanding these facts, which are no less true than startling, Congress a few years ago, when urged to do so by a number of Representatives, refused to take any action whatever. A distinguished member of the Senate (Hon. Rufus Choate, of Massachusetts) asks the question, "If we have waited so quietly for twenty-six years for the adjustment of this question, he does not see why we should not wait longer." To prove at once the danger and fallacy of this argument we will suppose a case. Suppose the gentleman's own house was in flames, and a few buckets of water and a little exertion would save it, would he think of delaying until the devouring element had well nigh destroyed his house, and defied all human power to save it? This is a case in point. Great Britain is every year more zealous in establishing her rights, and making known to the world her intention to take possession as soon as she can; of course, the longer

we delay the extension of our jurisdiction, in proportion will difficulties increase. Congress should take prompt and immediate action, demanding and enforcing the rights that belong to us, and upholding that American spirit which was so fully exemplified in the fathers of the revolution. The question may be very properly asked, what remedy can be applied to arrest British encroachments? What plan adopted that will meet with the universal consent and approbation of the American people? Are we to permit their flag to be planted, and their institutions established, on our own soil, without an attempt to redress such wrongs? Is no step to be taken to arrest them in their march of assumption and illegality? Let Congress answer these questions. One thing is very certain, that she will never recede until necessity compels her. That we know from experience. They are ambitious to claim the world as their own; that we also admit. Yet it is proposed, notwithstanding the unnecessary delay, to permit the question to remain in its present state, without any definite decision. We greatly mistake the character of the American people, who have been always just and honorable in their intercourse with foreign nations, if they yield to any surrender, save that which is in accordance with established usages, and which all pronounce to be just and right.

Developments have been made, which demand of the United States immediate and decisive action. If no cognizance is taken of the threats coming from across the waters, aggressions will be continually attempted, and the British title will be established at last by common consent. It was remarked, by those in Congress who were opposed to the bill, that "*the contingency was not urgent.*" If not urgent then, do we not *now* see the necessity of enforcing our rights? At that time there was comparatively no excitement prevailing in England, and the subject had not been

fully investigated by the House of Commons. There was nothing said in the United States respecting the validity of the British title, and our affairs wore an entirely different aspect. Difficulties are occurring every day, calculated to weaken our rights and strengthen those of England; and we believe the day will soon arrive, unless a decided change for the better takes place, when the British title will be considered better and stronger than that of our own, unless we declare our rights upon a final adjustment. This is purely a question of *right*—of national safety—of *honor*: Whether, having it in our power, we shall permit Great Britain to take unauthorized control of that which is ours; or whether, having rights, we mean at all hazards, and under all circumstances, to maintain and defend them. This is a question of illimitable importance to the United States, and resolves itself into this: "Whether the name of an American citizen is not a guarantee of American rights." Our agriculturists, hunters, and tradesmen, who have gone thither—the brave and indomitable champions of their country's cause—look to us, a powerful and growing people, for protection, and it is our duty willingly to extend it. The broad ægis of our laws should be spread over them as over us; they are a part of us—our fathers and brothers, connected in fortune, in interest, in blood, and in destiny; and when a blow is struck *there*, the vibration should be felt and resisted here. We want nothing that is not strictly our own, nor do we wish to claim an acre which belongs rightly to Great Britain; *by no means*. What is hers we respect, having no right to it; but that which belongs to us we mean to protect and defend. This question, by some, has been viewed through a false medium, unjustly and improperly. Great Britain claims a right to a large portion of this territory, as though it had been ceded to her; we claim to 49°, and that is all which we have any

right to. If the question is to remain in abeyance, it may be necessary for Congress to pass laws for the government of American citizens residing within the territory; but how such laws, even were they passed and approved, are to be executed, under existing circumstances, cannot be readily perceived; by some objection would be made, and by others they would be violently opposed; so that it would be utterly impossible to enact such statutes as would be universally approved, though the existing state of affairs make it imperatively necessary that our citizens should be protected in their lives and property, and in the enjoyment of all that pertains to citizenship. No stronger proof need be adduced of the ignorance, or something worse, that has prevailed on this subject in our national councils, than the fact that, since 1818, repeated attempts have been made in Congress, both reported and debated, for the purpose of establishing a territorial government, and extending the laws and jurisdiction of the United States over that part of the territory which we claim, or rather over the *whole of it*. Such a measure would have been a palpable and gross violation of existing treaty stipulations, and fraught with all the consequences of a hostile act against a friendly and powerful nation. What would be the consequence of extending our jurisdiction over the whole of this territory, under the existing treaty of 1827? Were this treaty annulled, or had it expired, the case would be different; then we might act in accordance with the wishes of the people, expressed through their representatives, but now we are under a solemn obligation of honor, which is as binding as any obligation ever entered into. We are, therefore, compelled, until this treaty is done away with, to hold our peace—to keep within the bounds of justice and law; and a departure from them in the least will render us worthy of the contempt of all the powers of the

earth. Notwithstanding these facts, which facts appeal loudly and powerfully to the people, Doctor Duncan, during the last session of Congress, introduced a bill for taking "*entire possession of the whole Oregon territory.*" The bill was finally submitted to the Committee on Territories; which, after being revised and amended, was reported to the House and ordered to be printed. The bill provides "for taking possession of the whole region west of the Rocky Mountains, from latitude 42° to 54° 40', and extending over it our laws and jurisdiction." This was a remarkable move, and only proves the necessity of an investigation of the question. Is there any man living, in his sober senses, who is acquainted with the different treaties, and unprejudiced in his opinions, who can for a moment think that England is so dead to her own interests, as tamely to submit to a course at variance with established customs, and in non-conformity with the principles of international law? She has maintained and claimed her rights before the civilized world, in undisturbed authority, for nearly half a century. Has she ever acknowledged the invalidity of her title to any nation, directly or indirectly? On the contrary, has she not proven, by sending thousands of her settlers over, that she regards it beyond the interference of any nation? There they have remained British subjects, enjoying and exercising all the rights and immunities of such for more than fifty years; and is it supposed, for a moment, that she would quietly stand by and see her own people, living under her own flag, driven from their homes, and finally expelled? Such an attempt would be resisted at the cannon's mouth; a rupture, long and bloody, would be caused, as surely as if we were to take possession of the island of Jamaica or the city of Montreal. For some time past nothing has been heard but an *ex parte* statement of the case; the claims of

Great Britain and Russia have been but partially investigated, and the subject has been discussed by Mr. Greenhow, and others, on the American side. We have been told by individuals, who have thoroughly analysed the titles of the different countries claiming a portion of this territory, that all the *right is in one*; and that, though the question is disputed, and has been under debate here and in England for many years, that it is "indisputable," and should be settled by an immediate possession on the part of the United States, without any reference to the claims of other countries. Arguments have been adduced, and published to the world, by others who have investigated the whole question, who say that their views are fair, impartial, and disinterested; that they have looked upon the controversy as a debatable ground; and, as such, have discussed it. This is the only way to come to a correct conclusion. Historical facts should be set forth, without reference to sectional jealousies, and unbiassed by any other considerations than those which are based on self-evident and unquestionable truths. This is the only way to force conviction on the mind—to prove to the people that you are uninfluenced by favoritism, and untrammelled by narrow and selfish ends. It is very easy to assert a thing, but sometimes very hard to prove it. In the courts of our country the sagacity of our counsellors is sometimes irresistible, until some development is made on the other side which counteracts and upsets their artful and ingenious argument.

The inflammatory appeals that have been made on this question, to the rights of the people, would induce some to believe that arbitration is useless, and that to negotiate is idle in the extreme; that we do nothing that is wrong, and that it is taken for granted that no national step will be assumed which is not recognised by the law of nations. The

public are naturally very anxious to gain their information historically, and from authentic sources, and to form their conclusions and opinions, not on the heated and prejudiced declarations of those who are influenced by their predilections, but on correct premises, taken from matters of fact. In this way a knowledge of the claims of the contending parties is to be gained, and new light thrown on a question of great national importance. No correct or reliable information can be derived from the stump orators and letter-writers, who profess to descant so eloquently and truthfully on the subject; their knowledge is often superficial, and they speak from hearsay. While we maintain our right to the 49th parallel of latitude, we contend also for the rights of Great Britain; insisting that what is hers legally we have no right to and can exercise no authority over, without a direct violation of treaty stipulations. We are in favor of negotiation, and think it not at all remarkable that England should not wish to negotiate any further. She is perfectly satisfied. The terms agreed upon do not conflict in the least with her operations or interests. She has all that can be desired, as far as possession is concerned, and is willing to let matters stand as they are, provided she is not worsted. Her laws, both civil and criminal, extend over the whole of Oregon, and she is exercising exclusive and undisturbed ownership, as much so as if the United States had abandoned all right. She is granting loans, and appropriating them as she pleases; she controls nearly all the towns and villages of any size, and passes laws favorable to her interests. What more does she want? She can gain nothing by negotiation, and has every thing to lose. The American settlers, few and scattered, (only about two thousand in number,) are entirely subservient. Compelled necessarily to be so, as the serfs of Europe, what can they do? They *wish* to be free, and they know that their fathers and

kinsmen here are all free ; but they have not the power to gain this precious boon. The Hudson Bay Company, a party of heartless, cormorant spirits, are the lords of the Territory. Look to their cruel treatment of our emigrants who settled near the Mill Sites of the Wallamette. Every principle of charity and humanity was violated every day. They were told, unless they moved off, every one of them would be shot. And the order would have been executed, had not the command been obeyed. They have passed a law even for the preservation of game, which Paley, in his Moral Philosophy, tells us is the property of all. This law is strictly enforced as regards the American settlers, from which the British population is almost entirely exempt. That portion of the Territory which they are confident will fall to us is hunted by them continually, in order to remove all the game from it if they can. But this is not all. The poor Indians suffer, too, most severely and unjustly. Depredations are being made constantly upon what little property they have ; and their persons are often cruelly treated. This company claim all the eligible spots for farms, mills, or towns south of the Oregon, and they have forts from which they realize something like \$500,000 per annum. South of the Columbia they have *nineteen forts* ; and are fast removing from this section of the country, and for miles around, all of the most valuable timber, so that, if England gets all north of the river, we will be compelled to buy shipping timber from her. They monopolize and control exclusively the principal markets, fix a standard of value upon every thing, pay what they please for products, and, of consequence, buy every thing they want at a very low price. We hear that the company lay aside a certain per centage of their annual profits to be "used for the express and avowed purpose of keeping Americans out of trade, particularly

those who wished to deal in furs." It is a fact hardly credible, but the truth of which can be established, that they once sentenced a respectable emigrant to wear skins for a number of years for the violation of one of their arbitrary, unholy, and oppressive regulations concerning trade. The company are industriously engaged, one and all of them, in ascertaining the means by which they can successfully stem the tide of American emigration, and what rules they can establish for the protection of their trade.

How much further are the British subjects and Indians to continue their depredations upon American property, and the lives of the emigrants, without an indignant response from the American Congress? Are the dwelling-houses and missionary stations of our people to remain unprotected? Who knows what outrages are daily committed *there* upon American property, under the sanction of *laws*? What laws? Laws established by the Congress of the United States? They have never been granted them. There is no government there. The only laws that exist are such as are passed to suit certain acts and occasions, which may be repealed at any day. The truth is our emigrants, powerless and subservient, are at the mercy and clemency of the Hudson Bay Company. They are a little better than the Africans of the South who are menial and irresponsible. In vain does the poor settler, who violates ignorantly one of these arbitrary laws, ask for a judge or jury; in vain does he ask that the shadow of the American flag may rest upon him; in vain does he ask for those national privileges with which his connexions and friends are surrounded. There is a gulf fixed between him and the luxurious free trader of Great Britain—an impassable barrier, which cannot be overcome, save by a determination on the part of the American people to relieve and emancipate them. A few laws, it is true, have been

enacted by the Hudson Bay Company, which empower them to give judgment against any American citizen in Oregon, and issue an execution, under cover of which he may be confined in their forts or sent to the jails or Canada, at their pleasure. So when they do not wish to try an American citizen, without law, (or mob-law,) on the spot, they will kidnap him, and take him to British courts, to be tried by British judges and British laws. This is a shameful state of things, and appeals loudly to the people. They should have a Territorial Government, having their their own laws and judges; and if these cannot be given them, let them be protected by the American flag. And what less can be asked by these fearless and intrepid adventurers, who, *ducti amore patriæ*, have with drawn from the endearments of their first homes, and all the gay and fashionable delights of fashionable life, considered their lives as nothing in their desire to advance the cause of freedom, and plant on the shores of the Pacific the Cross of Christ?

The old Scotch Jedbury fashion is followed there, as has been said by Mr. Wentworth, of Illinois—"hang first, and try afterwards." This company have taken possession of almost every desirable situation on the coast of the Pacific. The Cape and Tongue Points are almost impregnable places of defence on the Columbia. The latter has been already taken by this company, and they are going on to exert every effort and devise schemes by which they can claim every harbor and port of importance. How is it possible that when a course like this is in daily progress that we can expect to compete with the whole world, as we wish to do, in bread stuffs? How is China to be supplied with tobacco? That great country, with its millions of inhabitants, all consume thousands of pounds of this staple. What is to become of our expectation res-

pecting our trade with the East Indies; and, indeed, the Pacific country?

We shall forbear to discuss our claim to that part of the northwest coast lying between the Bay of St. Francisco, near $37^{\circ} 30'$ north, from the fact of its being based on very uncertain and imperfect discoveries. We purpose, however, in order that as much information may be obtained as possible, to present the lucid and able argument contained in the National Intelligencer of the 26th of July, which is as follows:

“Beginning soon after the conquest of Mexico, the Spaniards, from about 1540 to 1543, carried explorations up the coast of the Pacific, in the interior, as high perhaps as 40° north, and by sea, about the same time, as far as 40° , and perhaps 43° north.* Here they for some time stopped their efforts. The next navigator in these high seas was Sir Francis Drake, who, in 1579, sailed along the coast from Guatulco, fourteen hundred leagues north, to a point beyond latitude 43° north, not stated in one of the narratives of his voyage, and given as 48° in the other.† The English, as is natural, prefer the account most favorable to themselves. Mr. Greenhow gives the reasons which, in his view, invalidate that account. Burney, however, one of the highest and exactest authorities in history, sustains the second narrative; and, indeed, in one point, he has the advantage. By all the rules of proof, the definite and specific statement is that which does not mention the latitude which was the northern limit of his, Drake’s, course. Turning back thence, he ran down to a good port in latitude 38° , probably the Great Bay of St. Francisco, where he remained five weeks, and upon a formal tender to him by the natives of the sovereignty, took regular possession of the region in the name of his mistress Queen Elizabeth. Here, again, for a considerable interval, ceased the English discoveries, as the Spanish had done.

In 1588, upon the narrative of one Maldonadi, arose and obtained some belief the story of a Strait of Amon, from the Atlantic, through which he and another nautic romancer, Admiral Fonti, pretended to have passed. These are now, in all their particulars, mere recognised

* Vide the accounts cited by Mr. Greenhow, pp. 62, 63, 64, 65. † *Ibid.*, 72, pp. 2, 3, 4.

fictions. (See Greenhow, p. 79 to 86.) More, but we think very little more, reality attaches to the supposed discovery, in 1592, by Juan De Fuca, of the long strait to which his name is now given—that between Vancouver's land and the continent. Mr. Greenhow and some others credit it. Cook, who examined, rejected it, and so did Spanish writers, finding no traces in their archives of any such expedition as that of De Fuca. So that it seems obvious that the pilot's whole tale is only a revival of the story of the Maldonadi and his Strait of Amon. It is true that a strait opens about a degree north of the mouth of his strait, and as it winds about in all directions, it is easy for an ingenious person to discern therein its identity with the meanderings of the Pilot's strait. Mr. Greenhow seems, however, to have overlooked a fact that stamps the whole story as a fable. The Hispano Greek plainly says, that after sailing out of the South Sea, he means the Pacific, through this strait, in twenty days, he came into the North Sea, by which he as plainly means the Atlantic.

“In 1506, under an order from Philip II, the Spanish efforts to explore this coast were renewed in an expedition under Vincaino, but which proceeded no further north than the Gulf of California. The attempt, under a French royal order, was renewed in 1602, under the same commander, with Aquila as his lieutenant. They surveyed with some accuracy the coast as far as latitude 42°. From that point Vincaino turned back, but Aquila's smaller vessel passed Cape Mendocino, and reached latitude 43° the supposed mouth of a great river, which they took once again (though there is none there) for the Straits of Amon. This voyage ended in 1603, and with it, until after the expulsion of the Jesuits from California in 1607, ended the Spanish progress of exploration beyond that province, which the missionaries of that order had begun to civilize and survey in 1697. It will thus be perceived that down to the voyage of Juan Perezin, 1774, and of Bruno Haceta, in 1775, the Spanish discoveries can scarcely be said to have any sure existence beyond the latitude of 43° north. From that point to 48°, intervene the English claims of Drake's voyage; and meantime the Russian expedition, beginning from Behring's Straits, in 1728, and making their way southward. In 1741, they had got down to latitude 49°; and Cook, in 1778, met these establishments at Onnalashka; Vancouver and Portlock and Dixon still further south. As to their rights adverse to the Spanish, their Minister, Mr. Politica, makes the following citation: ‘Moreover, when *Don Jose Martinez was sent, in*

1789, by the Court of Madrid, to form an establishment on Vancouver's island, and to remove foreigners from thence, under the pretext that all that coast belonged to Spain, he gave not the least disturbance to the Russian colonies and negotiators; yet the Spanish Government was not ignorant of their existence, for the very reason that Martinez had visited them the year before. The report which Captain Malespina made of the results of his voyage proves that the Spaniards very well knew of the Russian colonies; and in this very report it is seen, that the court of Madrid acknowledged that its possessions upon the coast of the *Pacific Ocean* ought not to extend to the north of *Cape Blanc*, taken from the point of Trinity, situated under $42^{\circ} 50'$ north latitude.' (American State Papers, Foreign Relations, vol. iv, p. 861.) This, it will be perceived, coincides with the view which has just been taken of the Spanish rights of discovery; and, indeed Mr. Greenhow, in effect, admits nearly the same thing, when, in his fourth chapter, returning to the history of the Spanish progress of settlement and discovery, he says, speaking of the year 1769, 'at that time little was known with any certainty of any part of the west coast of America north of the 43d parallel; to which latitude it had been explored by Sebastian Vizcaino in 1608.' (P. 108.) Disentangling thus from the maze of confused statements in the English books and our own, the essential, the positive, and chronological, we arrive at a few plain results:

"I. That the Spanish title by discovery is *positive* up to about the point which it reached in 1543, viz, the latitude of 43 degrees north.

"II. That beyond it is met by positive English discovery, Drake's, of an extent *not* certain, giving perhaps as high as 48° .

"III. That the northern limit is again nearly met by the Russian discoveries, which came in 1741 to 49° ; and

"IV. We may here add, that thus far there is not a trace, not a pretence of any manner in which a *French* right can have arisen that afterwards passed to us. We have said that the next discoveries of the Spaniards are in 1774; of the English in 1778; and this brings us with another survey—that of general dates—to another great fact, the lapse of time over which this series of discoveries along a single coast run. They occupy near two hundred and thirty years. Up to that period the shore from Behring's Straits had been in the three several regions that we have mentioned, at least as continuously discovered as was the Atlantic coast of America before Spain and England and France were considered the legitimate owners: the first of the West

Indies, Mexico, and Florida ; the second of Virginia and New England ; the third of Canada. In all these instances the proprietary right is confessed to have flowed from their having first seen the line of coast and taken formal possession of some one part of it. It was even held that all its bays and rivers must be entered. To have waited for this would have bred eternal counter titles, and incapable of ever being settled. The principle of discovery, in a word, has ever been that just stated, and upon it the national claims to almost every greater eastern portion of this continent were conceded by the civilized world to each nation of which a navigator first ascertained the general existence there of continuous land. All of this may have been said to have been settled, down to Cape Horn, within the first hundred years ; why must the period be prolonged to two hundred and thirty years, upon a coast only about half as long ? If, as is apparent, the three general discoveries of that coast had been already made, why should the time be prolonged thirty years ; especially when the prolongation can only serve to augment the difficulties of adjustment, and involve the claimants in disputes inextricable ? Let us resume our historical narrative, and see whether just the effect mentioned does not follow from our consenting to look upon the coast thus generally discovered as still open to discovery at particular points—to discovery such as could confer a general territorial right that could extinguish much older ones along a coast already frequently discovered. This is manifestly the great question as to our obtaining, through Captain Gray's discovery of the mouth of the Columbia, a title within shores already appropriated—a title giving the entire space, north and south, from the mountains to the sea, watered by the branches of the river. The river on the north is a very broad one, if to be thus applied ; of the first discovery of which by the Spaniards there is not a shadow of doubt, near one hundred and fifty years before the French, who granted it to us, ever saw one rill of its waters any where. But let us proceed.

“In 1763, the English acquired by treaty from France all her Canadian possessions and their dependencies, the Spanish all her territory and claims in the valley of the Mississippi. By this cession England came into undisputed proprietorship of Oregon, extending west, along the 49th parallel, at least as far as the chains of the Rocky Mountains ; so all our own subsequent treaties have admitted ; thus bringing her eastern territory into the same contiguity, as we in part found our claim on ; with the disputed shores of the Pacific. Thus, if contiguity be any

basis of a right, which we deny, hers dates from 1763, ours, at most, from 1803. From about 1770 to 1798, the Spanish formed, at different points along the shores of California, settlements extending as far as San Francisco, in 38° , the most northern point they ever settled or ever occupied, except Nootka, for the short time during which they held it, after expelling Meares, Colneti, and others from them, and until they restored it to England by the Nootka Sound Convention. We have already mentioned the Spanish expeditions of Juan Perez and of Haceta, in 1774 and 1775. In the former, Queen Charlotte island, Nootka Sound, and a few other points, from 54° north to 49° , are supposed to have been discovered. (See Greenhow, p. 116.) But Mr. Greenhow, though evidently partial to the Spanish discoveries, as now conferring, he thinks, title on us, thus sums up the results of the voyage: 'In this voyage, the first made by the Spaniards along the north-west coast of America since 1603, very little was learned, except that there was land on the eastern side of the Pacific, as far north as the latitude of 54° . The Government of Spain perhaps acted wisely in concealing the accounts of the expedition, which reflected little on the courage or the science of its negotiators; *but it has thereby deprived itself of the means of establishing beyond question the claim of Perez to the discovery of the important harbor called Nootka Sound, which is now, by general consent, assigned to Captain Cook.*' Here, we fear, is the recognition of a new though rational principle, which it would have been, at least, more politic to have left to our adversaries to discover; for the consequences are extensive, invalidating, of necessity, for the like reason, *all other discoveries of Spain not by her made known*; and within this category fall the voyage of Juan de Fuca, and it may even seem that of Haceta, Bodego, and Maurelle; of which, important as they are considered, the publication was never made by the Spanish Government, nor, indeed, made at all, except that of Maurelle's Journal, obtained in manuscript by Daines Barrington, and by him, in 1781, embodied in a *translation* in his miscellanies. (See Greenhow, p. 117.) Thus Cook's Journal having been published in 1784, his discoveries take precedence of Haceta and of Bodega, at least, if not of Maurelle. Such, at least, is the effect of Mr. Greenhow's doctrine. And, moreover, he *himself afterwards affirms that Cook saw the west coast of America south of Mount San Jacinto, or Edgecombe, which had not been previously seen by Perez, Bodega, or Haceta; and after passing that point, he was, as he frequently admits, aided and in*

a measure guided by the accounts of the Russian voyagers. The observations of the English were, however, infinitely more minute and more important in their results than those of any or all the other navigators who had preceded them in the exploration of the North Pacific; for, by determining accurately the positions of the principal points on the coast of Asia and America bounding that sea, they first afforded the means of ascertaining the extent of those continents and the degree of their proximity to each other, respecting which they executed this task, and serves to dispel the apprehensions previously entertained with regard to expeditions through that quarter of the ocean.' (Pp. 158-'59.) There remains to be spoken of but two Spanish voyages, that of Arteaga and Bodega in 1779, and that of Gallain and Valdez in 1792. Of the first of these, we need only repeat what Mr. Greenhow says at page 12, 5, that it visited nothing which had not before been examined by Cook. And his account of the several or succeeding voyages (at pages 239 and 240) makes it *clear* that it did little or nothing, except to attend Vancouver in a part of his course. We have thus brought down this compend and chronology of discovery and occupation on the northwest coast of America to the immediate facts, (nearly of the same date,) beyond which it seems to us almost needless to descend—we mean the Nootka Sound Convention of 1790, and Gray's discovery of the mouth of the Columbia of 1792. The subsequent history belongs to the living generation of men still fit for action, and, it needs not, therefore, any elucidation such as we have given of remote events. It will be perceived that we have chosen, in the sketch just traced, to follow mainly the authority of Mr. Greenhow, who has generally given with faithfulness matters of fact, although he often reasons ill from them. On the whole, his book does him credit for the research he has bestowed upon it. Yet he is obviously quite too much the advocate of *every* ground of our claims to Oregon; for as we set up some former adverse titles, there can surely be but *one* of them which is good. Of these titles we may perhaps offer our judgment after we shall have presented, as a further fund of information, the arguments of Mr. Rush and Mr. Canning. Meantime, what we have already drawn from Greenhow to present to our readers must, it strikes us, suggest to every thinking man the idea that the question at large is a much more thorny one than gentlemen on either side *thought*, who had only, like the knights quarrelling about the color of a shield, or like the travellers disputing about the hue of the chameleon, fixed it on a particular state of color."

We have always thought that a nation mistakes its glory that is so alive to the slightest insult, and musters up in hot haste its army and navy, and fights upon the shadow of a provocation. It is very right that all countries should be alive to their honor and interests, at all times maintaining that dignified position and exalted stand which it should be the policy of all republican Governments to uphold; but there is a difference between an undue proportion of sensitiveness, an over degree of niceness, and a careless spirit as to what happens to the prosperity of the country, and its character abroad. A nation should protect its honor as a parent protects his child. It should be determined, firm, and unyielding; not hasty, but always ready. Let us lay down the good and safe maxim, "not to meddle until we are meddled with." By avoiding war, we drive off the most distressing evils, the direst of all calamities that can befall freemen. We admit that sometimes it is unavoidable. Foreign aggression must be met at all times with violence; and we should be the last people on earth to falter with our laws and institutions and peculiar system of government, but the first to act in case the national honor is insulted. If the dispute now pending cannot be settled by arbitration or negotiation, let war be the next expedient; for it will be the only means left to put an end to all strife and difficulty. It acts as a great purifier and regulator; blending conflicting and discordant elements, putting at rest the quarrels and unprofitable disputes of petty cliques and *clubs*, who are influenced by sinister motives and corrupt designs, connecting with "hooks of steel" and blending State with State that are almost estranged because of some unimportant and meaningless point of controversy, and stems the angry and swelling tide that threatens the disunion of great Governments.

In discussing this question, it should be viewed with ref-

erence solely to its own merits and to its bearing upon our honor and interests, regardless of the clamors of ignorance or the suggestions of selfishness. Let the subject be debated and ended in a manner that will result to the entire satisfaction of the intelligent people of this nation. It is now regarded by them as it should be, as the great and leading topic of the day, as the great dividing principle between this country and Great Britain. There is another class of men who, to a part if not the whole of this territory, have an undeniable right. They have been *there* in a state of barbarous wildness, with minds uncultivated, like their own forests, and sensibilities unsubdued by the refinements of civilized life, and the still gentler influences of social happiness and equality. The chase has been their delight and the delight of their forefathers from the remotest antiquity. The shrill note of the fox and wild panther have broken in tones of grateful and sweet melody upon their ears, and for centuries past they have lived the sole occupants of this territory, in the uninterrupted enjoyment of all its lands and resources. The Oregon, not a part, but the whole of it, is theirs by right, theirs by inheritance, by discovery, and by justice. Pursued and hunted, like beasts of the forest, through a succession of years, until they have at last reached the very extreme limits of their own native land, and naught is to be seen of the vast domain save a wild and barren wilderness. In the retrospect the scene opens before them in all its melancholy grandeur. The wigwam and the prairie fire no longer delight with spells of enchantment. There stand as before the rich blue hills in the distance, smiling in the exuberance of fertility, and decorated with thriving towns and villages. The same streams, upon whose banks they delighted to build their midnight fires and join in the wild revelries of Bacchus, still smile with their native verdure, and bright-

on with their accustomed beauty. Amazing change! Those early visions have fled, while the cold realities of real life bear heavily upon them with blighting and chilling influences. Their houses lie scattered and torn down, a moral desolation upon earth! Every year has darkened their history and added to the catalogue of their ills. Their chiefs are all gone, and their bones lie whitening beneath the summer's sun; while their unfortunate offspring, in the terror of despair, have reached as it were the world's end, and stand upon the shore of the broad and fathomless Pacific. The destruction of Babylon and Ninevah, long foretold, carry to the mind painful and bitter reflections; but when we follow the Indian race, from the earliest period of their history, through their primeval prosperity and happiness, when they were linked together by "hooks of steel," enjoying the rights which nature's God gave them, how feeble is the comparison with their present state. But a few left to tell the story of their wrongs and sufferings, could they be permitted to remain even where they are, standing almost upon an acre of their once vast and boundless domain, their situation would be less deplorable, less wretched; but like a fatal disease working its insidious way into the very seat of life, the progress of civilization is destined to sweep away the last dear relic, the inheritance of past days, and finally to rob them of their only homes, and their all. Melancholy reflection! Once so formidable in number, so indomitable in courage, so strong in war. The mighty people of this western world, with its vast wealth and rich products, like a wreck, the fell destroyer has gone on subduing and conquering, until the war-whoop is nowhere heard, save among the frowning cliffs and rattling crags of the northwest boundary.

But with respect to the occupation of the Oregon, what

other course can we safely pursue, other than taking possession. We regard it as a case of urgent necessity, inasmuch as Great Britain is only waiting for a favorable opportunity to take exclusive control; and if such is to be the case, it is surely admissible in us to establish a boundary which will afford a strong protection, a barrier against foreign aggression. We are not anxious nor are we willing to claim or have any thing that is not ours, and recognised as such by the laws and usages of nations. Should England disavow any intention of occupying this territory, and we felt convinced that such was her fixed determination, we might then be justified in yielding it to its present occupants; but under the circumstances, we believe that our *national safety*, and the safety of those of our countrymen inhabiting the northwest coast and the surrounding country, demands of us an acknowledgment of our rights under the different cessions made to the United States. That we have an undisputed claim to the parallel of 49 degrees, and no further, must be readily admitted. Those who are in favor of taking possession of the whole of that territory contend that they have never seen an argument at all plausible that assigned the reasons why Great Britain should own *north* of that parallel. It has been said that the parallel of 49° was agreed upon as a sort of compromise, in order that the question might be settled without delay. Is there a sensible man who believes that this parallel would have been included if our right to it *was not as clear as to that south of that line*? It cannot be so. And all the negotiators on the subject on behalf of the United States, who have investigated the subject in its minutest details, insist that the line of 49 degrees should be the boundary—all north of it belonging to Great Britain, and all south to the United States. We regard these facts as the strongest argument that can

be employed, and one that deserves the consideration of the unprejudiced and the unbiassed. All the ethical writers, Grotius, Puffendorff, Baron Wolfius, and Vattel, who have founded their opinions, in the main, on accurate bases, which have been for many years accredited by diplomatists as ready elucidations of the principles that should govern the general course and policy of nations, concur with the President, as expressed in his inaugural, that our right is "*clear and indisputable*." But we have, independent of the principles contained in the works of these distinguished writers, another consideration which is of binding force, and of primary importance to all others, rendering the point wished to be established beyond doubt—we mean the "*prevailing sentiment of national honor*." All nations admit that there is a certain code of laws touching the rights of countries, and adapted to cases as they may occur, which never, under any circumstances, lose their moral force or effect. These opinions, expressed through the press in a republic numbering twenty millions of freemen, must be in the ascendant, and exert a powerful moral influence that cannot be swayed; and if a rule of action is taken inconsistent with the views of this class, it will be at once denounced and put down, never availing any thing or having any weight. This is the best preservative of the rights of nations; for, by it redress is demanded. It takes cognizance of the wrongs or injuries committed, and repudiates and abuses every unjust policy with unqualified disdain. Rules of justice, always the same, eternal and unalterable, must be observed as fully by monarchies as by republics. They are the same yesterday and to-day throughout the world; and though a desire may be evinced at times, and even expressed, to disregard them for the advancement of certain ends, the

fear and abuse of other countries will almost invariably deter. No written codes can alter these natural tendencies, or affect their results. They are as common to countries as passions and appetites are to the human frame. They are immutable and fixed; as much so as the laws of gravitation, or those which control the planetary system. Independent of the laws of nations, which are invariably consulted in all legislative assemblies in times of necessity, the principles of which are the only governing rules of action, admitted to be so by proper authorities, there are frequently acts of aggression committed under circumstances which are unnoticed, or not included in the works of writers on international law, that render it necessary to a preservation and maintenance of that dignity which all States boast of, which it is their duty, as States, having their honor to preserve, whether they be strong or weak, whether they have a handful or a legion of men, it matters not, an invasion of their rights, and an assumption of undue power not recognised by the laws of nations, or by that code of laws *tacitly* acknowledged to be good by common consent of all the powers of the earth, compel them to throw the "scabbard from the sword, and to go forth to victory or death." Their national character is insulted, injuries are added to insults, and they are left but two alternatives, to submit tamely to injuries and wrongs, or to avenge their cause at all hazards. We shall now proceed to discuss the question under the fourth head.

CHAP. IV.

What has the United States done to protect her settlers?

Since the treaty of 1827, which gave to Great Britain the right of joint occupancy, nothing, we may say, has been done to protect our settlers. Many years ago a number of individuals residing in the interior and southwest of the United States, emigrated to Oregon under peculiar circumstances. The plan was long meditated by them, and the promise of protection under our laws, and the flattering prospect that was held out respecting the climate and soil, induced them to carry out their undertaking. Poor, and without friends, and stimulated by a laudable desire to seek their fortunes in a "fair and fertile" region of the continent, where they would be enabled to pursue their various occupations, in the peaceful enjoyment of their own rights, uninterrupted by competition, and with countless natural resources around them, they went forth from an exhausted region of country to unite their destinies with those of the inhabitants of Oregon. Encouraged by the flattering accounts which had reached their ears of this distant but splendid territory, "with willing minds and honest hearts" they shouldered their knapsacks in the midst of the blessings of civilization and the refinements of social life, and united hand in hand with the brave pioneers of the northwest coast. "They were anxious," says Washington Irving, "to extend the area of freedom," to reclaim the wilds of this inexhaustible land, to introduce the manners and customs and creeds of civilized and refined life, "to make the desert blossom like the rose," and to work out, as had done the earliest settlers of America, their own destiny. What design could be more praiseworthy and more to be admired, considering the

many disadvantages connected with the enterprise. A handful of men, hardly a corporal's guard, with but few weapons of defence, without money, and almost without encouragement! But they were equal to the task; possessing, in an eminent degree, one important requisite, and that was an *inflexible will*, an unwavering belief that all in the end would be well. But their expectations, which had been fed with various accounts through their long and tedious journey, were far from being realized.

After travelling for weeks and months without shoes, and sometimes without provisions, the idea frequently occurring to them that the life of one of their party would have to be taken to preserve the lives of the rest, they reached their place of destination, care-worn and enfeebled. The American Government faithfully promised to throw around her settlers the broad ægis of her laws, to extend to them freely the inalienable rights of free-born American citizens, and to defend them from any attack from without or within. This promise, solemnly made, has been either knowingly falsified or wilfully neglected. No step has been taken from that day to this to redeem this solemn obligation; and the American settlers remain in Oregon now, as then, unprotected, uncared for, and, we may say in truth, unthought of. Perfect indifference has been manifested, be it said with shame. Congress after Congress has convened, no appropriation has been made unsustained by the mighty voice of the American people, and nothing done to alleviate the sufferings of these unfortunate adventurers.

It appears that in 1839 there were two or three thousand New England emigrants ready and willing, and anxious, to settle in Oregon if protection under our laws would be promised them. They waited for a long time in anxious expectation that their request would be granted.

Proposition after proposition was made, not one of which was regarded; and though their sufferings and misfortunes increased every day, there was no action taken whatever. Fuel was now thrown upon the fire; and that portion of the American people who were most solicitous and desirous to establish our citizens in the territory, believing, as they said, "that our title was perfectly good," became at last greatly incensed that Congress was unwilling, as expressed by their vote, to meet the wishes of this brave and valiant band. Repeated attempts have since been made to extend our laws over this country, all of which have invariably failed. In 1843, a bill to that effect passed the Senate, after much difficulty, by the votes of *Democratic Senators*. It was considered by many a law; but, strange to say, from the day of its passage it has never gone into operation, and is of course regarded as nugatory.

As late as 1824 a resolution passed, by a large majority, the same body, "to give notice to Great Britain of our intention to annul the treaty of joint occupancy, allowing an interval of twelve months, as was stipulated in said treaty. After much labor and discussion it was lost by *Whig votes*. Here we again find the Whig party defeating the object of the democratic portion of the Senate, and in truth violating the wishes of an overwhelming majority of the American people. A severe rebuke went forth from Maine to Louisiana. Dissatisfaction prevailed in every quarter of the Union; but such was the Whig opposition that a reconsideration of the question was considered useless. Meetings were held in various parts of the land, in which the bitterest denunciations were publicly made, and the course pursued condemned in the strongest and most positive terms. What the design was we do not pretend to say. It has been surmised that they were anxious to feel the *British pulse* be-

fore asserting their rights, and if their opinions could be ascertained, then to act accordingly. But we will not impute to the Senate such motives. We cannot think, in view of our national position, and the popularity of our system of Government, that we have had, or ever will have, a Senator who is prepared, with the eyes of his constituents and of the whole world resting upon him, to acknowledge, directly or indirectly, his preference for British laws and institutions. This, indeed, would be a phenomenon the most remarkable that has occurred in the history of politics, and calculated to excite the alarm and surprise of every patriot and philanthropist. That there are men in our Government, high public functionaries, having in their hands the dispensation of political patronage, whose predilections are on the side of foreign nations, admiring their customs and applauding their usages, there can be but little doubt; but we believe in the *abstract* that there is no American, native born, who is not *truly* an American; he may differ, and widely too, as regards the operation of certain fundamental principles, their tendency and bearing upon certain communities and classes, and their effect upon society in general, but we cannot for a moment suppose that there breathes a man in this vast community of States who would exchange our *political system* for that of any country on the Globe, unless it were done from *interested motives*. The history of our confederacy for the last half century, and long before, fully attests the soundness of our theory, and the honesty of our national system, as it has been termed. We want no better government. It answers all the ends for which it was intended; it is not in the least monarchical, nor is it aristocratic. It is not in the hands of a few ambitious men. Each State is sovereign, having its representatives and laws, while at the same time they acknowledge their allegiance with one

another, their constitutional connexion. The Government is controlled by wise, prudent, and skilful men, and not by selfish parties or cliques. The poor man, in his native simplicity, has an equal voice in legislative matters, because he is a part, a constituent part, of the confederacy. This is not an undue power that he is exercising, it is not a special privilege that is denied to others, but a right, an inherent right, which belongs to all, because they are moral beings. The poor man is under no more restrictions, constitutionally, than the rich man; he is empowered with the same capacity to act in legislative matters as the most noted and distinguished; he partakes in the election of his governors and law-makers, "because he is a part of the State and a member of society." That distinctions will sometimes exist, must be admitted under the present organization of affairs. Men of similar tastes, similar desires, feelings, propensities, and sentiments, will class themselves under one head, but these classes are not given birth to by the laws of the land. They do not encourage them, far from it; but they exist by the conventional consent of the people, by a tacit willingness to form themselves into separate parties for *special* purposes. For instance, it is not to be expected that literary men, who are intimately acquainted with all the refinements of dignified life, and who have spent half of their lives in their closets in the attainment of scientific knowledge, will consent to associate and mingle with the plebeian orders of society. This has never been the case, and never can be in the nature of things. In the days of the Cæsars there were fewer grades in society, but that can be very easily accounted for, looking to the difference between their creeds and customs and ours. It would be very remarkable if a Republican Government fostered a feeling like this, for surely its legitimate object is to protect the peo-

ple in the enjoyment of their rights; and whenever it relapses into a state of listlessness or favors the *few* at the expense of the many, the very life and essence of republicanism is lost, its spirit is perverted, its character misunderstood, and dissolution is the inevitable consequence. It is utterly impossible, and the history of fallen nations prove it, for a Republican Government to exist which does not recognise the equality of rights in man. The very first principle of republicanism is equal rights and equal privileges. Upon it its principles are based. It is the very ground-work of our policy, and without it there is no republicanism, not even the semblance of it. By fostering these leading principles the public morals are protected. But we have a strong guarantee for the public morals which Greece and Rome had not. *We mean the Christian religion.* Its code of morals is perfect, and its sanctions as pure as it is possible for the imagination to conceive. It embraces the whole human family, and even had our own people a downward tendency, its *power* would arrest its progress. It is the greatest incentive in the world to *improvement*. It tends directly to the institution of democracy. If men are just they must be democratic. And, in the language of a distinguished writer, "what will become of usurpation and force, corruption and fraud, as christianity takes its march over the earth. It sanctions nothing but what is wise and what is good, and abhors the corruption, extravagance, and vanity of courts." There will always be a struggle between the many and the few. This is expected, and cannot be avoided. It is synonymous with the existence of Government, and has prevailed and will prevail in all time to come. Look to the palmy days of the Roman Republic—the common people, the plebeians, the patricians, and the nobility—look to the war that was waged by them—their contests were so fierce that they shook the foundations of

the Government; and had it not been for the exercise and interference of great minds that were equal to the emergency, men of energy and moral force, that nothing could daunt—who directed the martial spirit to conquest and glory, in the subjugation of other nations to their imperial sway—the contests of these orders would have destroyed the Republic forever. It is very true that the people were never secured in the rights of property to the same extent, and in the same degree, that the enlightened nations of the earth now are. Yet compare the state of the arts and sciences, of morals and governments, as existing, (in the republics of antiquity,) with the same or a similar state of things in monarchies, and the fact is prominent, that the republics excelled all the monarchies of ancient times. Look to the system that is observed in the operation of the machinery of our Government—its principles are established, and all that our magistrates or rulers have to do, is to see that this system is kept up, to put an end to all abuses, and to inform the people, from time to time, whose representatives they are, of the state or condition of the *body politic*. We profess to be a just and law-loving people, living under a Government that dispenses equal benefits and blessings to all, protecting the interests of the high and low, and fostering those institutions which will benefit society most. Equality of rights is the most valuable conservative feature of our Constitution; it unites in harmonious union the unfortunate and oppressed with the more affluent and elevated; it is one among the surest safe-guards to republicanism, inasmuch as all republics are based upon it, and without it they would exist in name, but not in truth. Equal rights was the first great law conceived in the convention that met to frame our Constitution. While other principles of Government were engrossing the consideration of this august body, and calling

forth heated and protracted debates, there was but one prevailing opinion respecting equality of rights, but one opinion as to its necessity and importance. It was regarded by all, as it really is, the connecting link between man and man; a safe-guard in times of danger and excitement, which acts as a check in the prevention of lawless deeds; hence its existence in our Constitution, and the fact that its value has never been disputed, even by the most degenerate and corrupt, who have scattered firebrands at the altar of our country's hopes, is the strongest and most conclusive argument that can be employed in its defence. It proves at once that it is at the very foundation of our principles, one of the principal ingredients of our system.

In a country like ours, that is improving every day in the arts and sciences, and in agriculture and commerce as well as in the sciences, and in all the various pursuits to which man is adapted, the means of subsistence should be made *ad infinitum*. Who can doubt the real benefit and satisfaction of living independently when all around is rapidly improving? The gain of every season manifests itself to the eye, and every person makes a part of the improvement that he witnesses. The impulse of progress communicates itself to *all*. Every additional piece of ground that is reclaimed and broken up for tilling, every new barn, every handsome building that is erected, is a theme of conversation and interest, not unfrequently of emulation, to a whole neighborhood. So *very strong* is the impulse from this source, that these improvements seem to be made in concert—all appear to be equally interested in the grand march of improvement, and lend a willing hand to extend this charitable work. It cannot be expected that the soil of our country is as productive as it formerly was. It is a principle laid down by all farmers, that as the land is worked so is the product less, and every year it continues to produce less, until at last,

unless it is improved by certain applications, the product is hardly worth the labor that is expended in the cultivation. This is a very strong reason for emigration, and there is nothing to deter the poor man from making Oregon his home. There he has spread out before him a wide field with all its advantages, lands in all their native richness, and it is indeed gratifying to feel ourselves as "good as the best," and to stand on a level with the highest. In an old settled country like ours, which has been under a regular system of improvement for centuries, and which, of consequence, must be somewhat exhausted, so far as its soil is concerned, labor is chiefly in demand for continuing cultivation. In the comparative wilderness it is required, on the other hand, for subduing the earth, as well as for cultivating tracts already brought under the plough. This forms a great additional source of employment for the laborer. In a new country the surplus that is created by labor is from year to year invested in improvements, while necessity creates an additional demand for labor. In this way every new improvement furnishes the means for new outlay, by which the laborer is the first to profit. Labor can never have so great comparative value as when the country is in its transition state from wild to cultivated. Then there is a constantly increasing demand for the physical energies of the laborer. Every day presents new inducements. Undertakings are made and contracts entered into, the success of which wholly depends upon the industry of the parties; hence it is that strong inducements are held out for emigration which before could not exist. There is no country in christendom more inviting to the industrious poor man than a large portion of the Oregon Territory. There he is not disturbed in the exercise of his faculties by the tremendous competition which is witnessed in the United States every day. There he is not burdened

by excessive and unequal taxation, which takes away a great portion of his satisfaction. He finds no laws to take away with one hand what it gives with the other, by levying enormous and unreasonable duties on the necessities of life. But to touch upon this would lead us to the vexed question of the Tariff, "in which wise heads labor as in a treadmill." There

"The air of Heaven
Visits no freshlier the rich man's brow ;
He has his portion of each silver star
Sent to his eye so freely ; and the light
Of the blest sun pours on his book as clear
As on the golden missal of a king."

In the settlement of Oregon, should it be our fortune to have it, the same wise statutes and excellent laws under which we have so long and so happily lived would be surely introduced. A republican constitution, characterized as ours is by simplicity and impartiality, accommodated to the wants of men of all classes and conditions, and bearing upon its every feature conciliation and compromise, cannot fail to produce a salutary effect in society. Under this constitution, mild and equal in its exactions, and forbidding expressly an exercise of undue powers not delegated, let us move on proudly and successfully, as we have done before, and as becomes a great, growing, and christian nation. The "Father of the universe," in whose hands are all things, has truly favored us, and we are, in deed and in truth, "a peculiar people." He has watched over our country from infancy to manhood, making it the asylum of peace, virtue, and christianity, and, thanks be to Him, we have preserved unimpaired the only safe-guards of liberty and republicanism. It becomes us, therefore, as responsible to ourselves, and to late and still later generations, to defend and protect the rights and privileges which have

been bought at the cost of blood and treasure. Let us, like the beautiful young mother, Maria Theresa, "unsheath the sword of steel, striking it north and south, east and west, challenging the four corners of the world to dispute our rights." It is true that war is an evil, and should, if possible, be avoided at all times. But are we to surrender valuable rights, touching our honor and standing as a nation, for fear of it, thereby proving to the world that we are either incapable or without the courage "to maintain our position?" We concur most heartily with the ex-British minister, Mr. Huskisson, "that it would be lamentable in this age for two such countries as the United States and Great Britain to draw to a rupture on such a subject as the uncultivated wilds of the northwest coast;" but we equally concur with the American Senator, who has said "that it is the duty of the Government to protect our citizens, wherever they may lawfully be, to the fullest extent, in the rights of property and the privileges which appertain to citizens of the United States. Should any American in Oregon be disturbed in the exercise of the rights, granted him by the laws of the United States, by any power of the Old World or out of it, it is the duty of the President to send troops to their defence, and there to keep them as long as the exigency may require. So far no direct attack has been made upon our citizens, and consequently there has been no actual need of defence. They have gone there of their own accord to better their conditions, to introduce the light of civilization, and to soften, if possible, the savage in his untutored wildness. As this step has been taken without any very strong inducement on their part as far as the acquisition of wealth was concerned, and for no other reason than to extend wise and salutary laws, that aid and assistance should be extended which they may require. So far but little has been done, notwithstanding repeated

applications have been made by the settlers. They have asked for protection, but no answer has been given. They have expressed their wants, and drawn a faithful and true picture of their condition, hoping that their countrymen would be aroused, their sympathies excited, and assistance rendered, but no answer has been given. Exposed to depredations that are frequently committed, they have no means of defence, no expectation of defence, no promise of defence. How is it, therefore, that the American population of this territory can be expected to increase when no interest is felt in their situation? We should be truly thankful to them, encouraging them in their bold and manly efforts, and make known our gratitude for the spirit with which they have advanced the cause of civilization; and if it so happens that a "standing" army is necessary to protect their lives and property from invasion, it should be raised without delay, for we can never be too tenacious of our rights and national character.

CHAP. V.

The value and importance of Oregon to the United States.

We are very sure that we speak the opinion, the almost unanimous opinion, of the people of this country, when we say that the value and importance of this splendid territory, as large again as France, is incalculable. Its value cannot be properly estimated. Its extent and resources, the character of the soil, and its admirable locality for commerce and trade of every sort, make it superior to any country on the globe. Look to its vast circumference, about one thousand miles in length, and covering a surface of four hundred thousand square miles, its vast and almost numberless resources, its rivers, harbors, coasts, and climate—every convenience and every facility of making it adapted to any purpose. It seems very remarkable that we should hesitate in asserting our claims, not by mere declaration, that will not do, it avails nothing, but by an absolute possession. Send out our people, with all their advantages of wealth, industry, and intelligence, plant fearlessly the American standard, defying foreign invasion, and the benefits accruing would be the means of diffusing comforts not only there, but the effect would be felt and appreciated throughout the continent. England sees very well the advantages resulting from the acquisition of this territory; hence it is she is so unwilling to make any surrender whatever. She is always prompt in finding out *first* where the *jewel lies*, and has fixed upon this rich possession as an important addition to her dominions, and is plying all her intrigues and devices to wrest it from us. Wherever there is an unclaimed or deserted spot upon the earth's surface, whether it be productive or sterile, it matters not how small or how large it is, or what its advan-

tages may be, she is the first to pounce upon it, like a greedy vulture, and to retain it forever, unless compelled necessarily to relinquish it. Her encroachments become more extended with the time of her possession. Her appetite for territorial aggrandizement is sharpened. She wishes to add to her treasury, and as her desire is gratified so it is increased. In making known her claims, her voice at *first* is weak and doubting. She procrastinates, refusing to legislate, working all the while clandestinely, and refusing to let the world know her intentions, until at last, when she sees a *rightful* title made by a *rightful* people, she flatly but falsely asserts that we are trampling upon what is hers, and that our desire for gain is only equalled by the injustice of our claims. Should the value of Oregon be but small, and its physical advantages comparatively few, she would long since have yielded to the unquestionable title of the United States; the controversy, if any, would have been soon ended; and seeing the injustice of her cause, she would have tamely given way to the superiority of claims. But it is now reduced to a certainty that the longer the delay the more obstinate will she become. But to the subject. The climate, soil, hunting, and fishing, together with the locality of this territory, render it one of the most desirable portions of the new world. All the explorers, Cook, Clark, Pentlock, and Vancouver, represent the climate as being mild and salubrious. Kotzebue says:

“On the 30th of July, a long tract of lowland was covered with luxuriant verdure, the climate being, from March to April, in latitude $49^{\circ} 30'$, infinitely milder than the coast of America under the same latitude. There was no frost in the low grounds, and vegetation proceeded briskly; grass, at this time, was upwards of a foot long. The crops are frequently watered by the most refreshing

showers; the seasons are regular, and there is nothing wanting but villages and hamlets to render it one of the most beautiful countries in creation. Nature has done her part. The ocean teems with otter, whale, and seal, while the mainland abounds in every variety of game, and the water with sturgeon, salmon, and other species of fish. The multitudes of salmon in the Oregon are innumerable, and they ascend to its remotest streams. The water is so clear, that they may be seen at the depth of fifteen or twenty feet, and so abundant are they at certain seasons, that, in the scarcity of wood, dried fish are often used as fuel. In a word, that great and beautiful peninsula, between the mouth of the Columbia and the entrance of De Fuca's strait, enclosing more than two-thirds of the country in the ocean between the river and the strait, possesses advantages for occupation by a civilized nation not surpassed by those of any other country in the world."

The occupation of this country by Great Britain would certainly be very desirable to her. With Oregon and Canada on the north, in what would our defence consist? Of course we should be completely blockaded. We should be rivalled in many of our staple products, in tobacco and cotton, and in other of our principal productions; and the competition which would necessarily exist, would cause at once a depreciation in the value of every thing. Our home markets would be seriously disturbed, and we should be ever surrounded by a watchful and jealous people, ambitious to excel, and stooping to the lowest means to accomplish the lowest ends. This would be the inevitable consequence. in all the rival products, we should be undersold; and those articles from which we expected a handsome revenue, would command comparatively nothing. Another important question connected with emigration is, that the necessaries (those which are bought in the United

States at almost double their value) can be purchased in Oregon for about half of what is paid here. The price of groceries are, upon a general average, with the States. Loaf sugar, double-refined, (the very finest that can be made,) is worth 13 cents per pound; and brown sugar, 12½ cents per pound. Tea, which is really superior to that sold in the United States, can be bought for 80 cents per pound. China is but a short distance off, and Wilkes says, "that it is lying, as it were, opposite the door of the Columbia river." Clothing of all kinds is also very cheap. There is no duty paid, and consequently woollens and flannels can be sold at a lower rate than what is paid here. Very good strong blue cloth, six-quarters wide, can be had for \$1 25 per yard. A very neat cloth roundabout comes at \$4 37½; pantaloons at \$5. Neat cotton shirts are worth 83 cents; Mackinaw blankets of superior quality, \$3 50 each. All articles of cutlery are cheap, for the same reason that other articles are so. Calicoes and cottons are rather higher, and sell for about the same as in the States. Iron is worth 10 cents per pound; gunpowder, 25 cents; lead, 12½ cents, and shot the same. Boots and shoes are yet very high; and crockery of all descriptions command a large price. Tools and farming utensils are very reasonable. The best Cary ploughs can be bought, to order, from an excellent blacksmith, at 31½ cents per pound. Wheat sells easily for \$1 per bushel; potatoes, 40 cents; fresh pork, 10 cents, and fresh beef, 6 cents per pound. American cows, from the scarcity of them, bring from \$50 to \$75; and Spanish, from \$30 to \$40; oxen, from \$75 to \$125 per yoke; American horses, from \$50 to \$75 each. There is an abundance of poultry in this country, and a plentiful supply of the two classes of domestic animals, known by the familiar names of "cats and dogs;" but still it is advisable for every emigrant to

bring dogs with him that are of a good breed. In a country where so much game abounds, and where there are herds to watch, they are very useful.

The goods sold at Vancouver are of a superior quality, and the purchaser, in this region of honesty and enterprise, receives them on a credit of twelve months; so that the greatest obstacle to the poor, worn-down emigrant, after his arrival, vanishes at once. "This is a country of peace and good-will; every new comer is received as a brother; the poor man's wealth lies in his arms; and the spirit and industry that brought him here to claim, by his labor, Heaven's just gifts in the richness of the soil, is accepted as the substantial guaranty of his good faith. The utmost honesty and liberality characterizes the dealings of the natives with strangers, and even with residents. If your circumstances are adverse, and you are not able to pay for last year's dealing, you are required to give your note, drawing interest at five per cent." The course of the Columbia river, and nearly all its tributaries, lead to the most valuable and fertile portions of the territory. The course of the Columbia is nearly due west and east. In the farther valley of the Oregon, between the Blue and Rocky mountains, a barren waste presents itself to the eye of the wearied traveller—rocks heaped upon rocks in the wildest confusion, and fearful precipices every hundred yards, for miles. In this section of the country, the soil is seldom refreshed with showers. Sometimes weeks, and even months, pass, without a drop of rain; consequently vegetation suffers extremely; every thing is parched and dried up, and often dies for the want of moisture. At this place, and in the vicinity, the cold is so intense as often to freeze the earth, the products of which are entirely destroyed. Agriculture and industry are necessarily palsied, and but little is done by the inhabitants to till the soil. This region.

as may be supposed, is but little sought by civilized man; its climate, location, and all its advantages, have been for many years the abode of the lawless and-uncivilized. An opportunity is allowed to the settlers in this region to commit all kinds of depredations; yet there are many scenes connected with this extended landscape, which renders the scene at times truly beautiful. Nature has done much to adorn the earth, and her bounties are spread around for miles in the richest profusion. Washington Irving, with his accustomed beauty of style and diction, thus describes it: "The monotony of these immense landscapes would be as wearisome as that of the ocean, were it not relieved, in some degree, by the purity and elasticity of the atmosphere, and the splendor of the heavens. The sky has that delicious blue, for which the sky of Italy is renowned. The sun shines with a pure splendor, unobscured by any cloud or vapor; and star-light in the prairie is glorious."

The extreme valley in the west is by far the richest agricultural region in that whole section of country. It extends far from the straits of De Fuca, to the placid and beautiful waters of the Umpagna river; but about one hundred miles south of the Columbia, the most luxuriant and beautiful pastures may be found, upon which herds of cattle are continually feeding. In this splendid valley of about forty-five thousand square miles, the land, in many places, is as productive as the river grounds, as they are termed, which is very well adapted to the growth of wheat; and immediately below there is a magnificent valley, perfectly level, 1000 feet in width, and fifteen or twenty miles in length, presenting a field to the industrious and enterprising not to be met with in our country. Here, if any where, must be the seat of empire, population, and wealth, while the neighboring region remains in a state of irreclaimable wilderness. The climate is healthy, mild, and

salubrious ; and the thermometer in the summer seldom ranges higher than 80° ; while the most refreshing air is constantly stirring. The winters, it is true, are quite severe—some more so than others ; and the rain commences in October, and prevails till April. They are often very violent ; but seldom prevent the inhabitants from carrying on their daily business. Storms sometimes occur which baffles all description. Hear what Washington Irving says of them : “The sun is obscured sometimes for weeks, the brooks swell with roaming torrents, and the country is threatened with a deluge. But these things soon pass away, and the sun again smiles upon the earth with increased brilliancy.” The inhabitants of this region are hardy and industrious, and capable of enduring the severest fatigue. They amuse themselves in various ways, such as hunting, fishing, boxing, and very often large parties assemble, who remain together for days, enjoying themselves as they can.

North and northwest of the Columbia, to the 56° of latitude, is the New Caledonia of British traders. This section is exceedingly sterile and unproductive ; so much so, that not even the most common natural growth has yet appeared. The chief water course is Fraser’s river, a stream of considerable length and breadth, emptying into the straits of Fuca. Strange to say, not even the banks of this river are at all fertile, or even fit for grazing ; however, they very well compare with the surrounding country, not an acre of which, in a circumference of fifteen miles, is worthy of tillage. In truth, these lands have been very often tested, for the purpose of seeing to what growth they were best adapted ; but no one has, as yet, ever pretended to cultivate them. It would be supposed that the various individuals who have endeavored, by various means, to reclaim them, and introduce a system of cultivation

and improvement similar to that which is practised on the banks of the Columbia, would give rise to disputes and difficulties with those who claim a right to this particular section; but it appears that all live on terms of peace and friendship, and disputes but seldom occur with the settlers. After the resolutions of the Emigrating Society passed, on which occasion Dumbarton acted so distinguished a part, insisting, with all the powers of his sound logic and eloquence, on the adoption of the commercial laws of Missouri and Tennessee, for the future government, there has nothing occurred calculated, in the slightest degree, to disturb the harmony and mutual good feeling which all aid in cherishing and preserving. The resolutions adopted by that noted meeting, presenting a free and intrepid body of resolute men, determined to establish their own rules of action peculiar to themselves, and adapted to their own views and wants, are well calculated to prove man's capacity for self-government; having the means within his reach, should he be willing to adopt those means, of placing himself on an equality, both moral and civil, with the most favored nations of the world, they came to this determination, and though many objections were urged, and arguments employed, to dissuade those who designed carrying out the plan, some contending that the laws of the United States would be soon introduced, others that no government was best, yet they would not be stifled; and met together in convention, like the great framers of our constitution, to introduce their own views of government, and pass their own laws. They mean, if possible, to establish a representative form of government. It is very certain that the rights of the individual do not grow out of any conventional agreement by which those rights are recognised and created; for the great leading principles of human conduct, on which those

rights chiefly depend, came into existence with man. Destroy man, and of course rights cease to exist; but as long as he exists, or as long as government exists, rights must prevail and be acted upon. This point was duly considered by the law-makers of Oregon. They had sagacity enough to know the ends for which governments were instituted, the effect that would be produced from the maintenance of these rights, and they wisely concluded that it would be better to organize and establish for themselves a civil code. They plainly saw that society can exercise no privileges which do not proceed from the individuals forming that society. Modifications, forms, phases may exist; but all at last grow out of the inherent, inalienable rights of man—"life, liberty, and the pursuit of happiness;" and whatever interposes or thwarts these, interposes a barrier—fixes a gulf between individuals, and establishes classes which conflict directly with the right of self-government.

The resolutions which were adopted by this convention are so excellent in their character, and so well calculated to advance the prosperity of the country and the happiness of the people, that we beg leave to present them to our readers, as taken from the admirable work of Lieut. Wilkes :

Resolutions of the Oregon Emigrating Society.

Resolved, whereas, we deem it necessary, for the government of all societies, either civil or military, to adopt certain rules and regulations for their government, for the purpose of keeping good order and promoting civil and military discipline, therefore, in order to increase or insure safety, we adopt the following rules and regulations for the government of said company:

Rule 1st. Every male person of the age of sixteen or upwards shall be considered a legal voter in all the affairs regulating the company.

Rule 2d. There shall be nine men elected by a majority of the company, who shall form a council, whose duty it shall be to settle all disputes arising between individuals, and to try, and pass sentence on all persons for any act of which they may be guilty, which is subversive of good order and military discipline. They shall take special cognisance of sentinels and members of the guard who may be guilty of neglect of duty, or of sleeping on their posts. Such persons shall be tried, and sentence passed on them at the discretion of council. A majority of two-thirds of the council shall decide all questions, subject to the approval or disapproval of the captain. If the captain disapprove of the decision of the council, he shall state to them his reasons; when they shall again pass upon the question, and if the decision is made again by the same body, it shall be final.

Rule 3d. There shall be a captain elected, who shall have supreme military command of the company. It shall be the duty of the captain to maintain good order and strict discipline, and, as far as practicable, to enforce all rules and regulations adopted by the company. Any man who shall be guilty of disobeying orders, shall be tried, and sentenced at the discretion of the council, which may extend to expulsion from the company. The captain shall appoint the requisite number of duty-sergeants, one of whom shall take charge of every guard, and who shall hold their offices at the pleasure of the captain.

Rule 4th. There shall be an orderly sergeant elected by the company, whose duty it shall be to keep a regular roll, arranged in alphabetical order, on every subject, to guard duly the company, and shall make out his guard details by commencing at the top of the roll and proceeding to the bottom; thus giving every man an equal term of guard duty. He shall also parade every guard, call the roll, and

inspect the time of mounting. He shall also visit the guard at least once every night, and see that they are doing strict military duty, and may, at any time, give them the necessary instructions respecting their duty, and shall regularly make report to the captain every morning, and be considered second in command.

Rule 5th. The captain, orderly sergeant, and members of the council shall hold their offices at the pleasure of the company. And it shall be the duty of the council, upon the application of one-third or more of the company, to order a new election for either captain, orderly sergeant, or new member or members of the council, or for all or any of them, as the case may be.

Rule 6th. The election for officers shall not take place until the company meet at Kansas river.

Rule 7th. No family shall be allowed to take more than three loose cattle to every male member of the age of sixteen or upwards.

It is needless to state that many of these remarkable resolutions were considered a "dead letter," as laws frequently are, from the time of their adoption. However, they answered all the ends for which they were intended; and those who had been most prominent in effecting their passage assumed an air of dignified satisfaction which appeared as though they had taken part in a proceeding little short in importance to the declaration of American independence. From that time forward perfect order and good will prevailed in the colony, each man contributed to the good order of the body, and serious difficulties but rarely occurred. The government that was established suited the wants and conditions of all, and a spirit now prevails calculated, in the course of time, to render the territory one of the most desirable portions of the new world. Already the people have been considering the propriety of

forming themselves into societies for the purpose of advancing their social relations, as will be seen from a letter dated Wallamette, November 1st, 1844; which, from its astonishing character and true republicanism, cannot fail to interest all who read it.

WALLAMETTE, *November 4, 1844.*

SIR: The Hudson Bay ship *Columbia*, sailing in a few days, via the Sandwich Islands, for England, by the politeness of her owners, I have the honor of again addressing you, and certainly under circumstances the most favorable and gratifying. Since my last, forwarded in March, aside from two or three incidents of an unpleasant nature, the colony and country has been in a state of unusual quietness, and the season has been one of great prosperity. The legislative body, composed of nine members, met on the 24th of May at the falls of the Wallamette, and closed their short, but effective, session in nine days, having passed, in due form, *twenty-five bills*, most of which were of importance to us in the regulation of our intercourse. A few of these laws I transmit to you; and would here remark, that the taxes were in general cheerfully paid. The liquor bill is popular, and the laws of Oregon are honored. The liquor act not coming in force under sixty days from its passage, a few individuals having clandestinely prepared before its passage, improved this favored moment to dispose of all they could with any hopes of safety. Of this I was immediately notified, and hastened in from the Falatine Plains. All the mischief, as heretofore, being done in and about the town at the falls of the Wallamette. I resolved, at whatever danger or cost, to nip this in the bud. I procured the call of a public meeting at once, and had the happiness to receive the following expression from all concerned, but one:

Resolved, That it be the sense of this meeting that Dr. White, in his official relations, take such assistance as he may require, and forthwith search out and destroy all intoxicating liquor that may be found in this vicinity or district of country. P. G. Steward, executive chairman, and John P. Long, M. D., secretary, started, with ten volunteers, early the ensuing morning, and found the distillery in a deep, dense thicket, eleven miles from town, at three o'clock, P. M. The boiler was a large-sized potash kettle, and all the apparatus well accorded. Two hogsheads and eight barrels of slush, or beer, were standing ready for distillation, with part of one barrel of molasses. No liquor was to be found, nor as yet had much been distilled. Having resolved on my course, I left no time for reflection, but at once upset the nearest cask, when my noble volunteers immediately seconded my measures, making a river of beer in a moment. Nor did we stop until the kettle was raised and elevated in triumph at the prow of our boat; and every cask, with all the distillery apparatus, was broken to pieces, and utterly destroyed. We then returned, in high cheer, to the town, where our presence and report gave general joy. Two hours after my arrival, I received from James Conner, one of the owners, a written challenge for a bloody combat, which ended last week in his being indicted before the grand jury, fined five hundred dollars, and disfranchised for life. Six weeks since, an unhappy affray occurring between one Joel Turnham, late from Missouri, and Webley Haixhaust, of Wallamette, and serious threats passing from the former, a warrant was issued, and Turnham resisting with a deadly weapon, was shot down by the officer, for which he comes before the grand jury to-morrow. Turnham expired at once, being shot with three mortal wounds through the neck and head, but, with singular desperation, fought and resisted to the last. So

far as I understand the public expression, all unite in acquitting the officer, who has ever been a harmless, quiet, good citizen; while Turnham was regarded a most desperate and dangerous character abroad, having left Missouri under circumstances the most unfavorable to his reputation and quiet here, where he has been particularly sour, irritable, and quarrelsome; and was the more obnoxious as he was reported brave, and generally too stout for his antagonist embraced in the circuit of five counties. I have not seen in any county such uniform decorum and quietness as has prevailed throughout at these courts. Much of this mildness, sobriety, and good order is doubtless attributed to the absence of all intoxicating drinks. The laws of this country, framed to meet present circumstances, are taking deeper and stronger root continually; and some are already suggesting, notwithstanding our infancy, whether, if long left without a mother protection, it will not be well to undertake to run alone. The resources of the country are rapidly developing, and the expectations of the people are generally high. The mildness of the climate and the strength of the soil greatly encouraged the large emigration of last year. For the last twelve months the mercury has ranged from 96 to 30; four-fifths of the time from 80 to 55, making an agreeable summer and mild winter. Grazing has been good throughout, so much so, that the jaded and worn-down animals of the poor emigrants fattened up, greatly to their surprise, before spring, without feeding or the least attention. Crops of all kinds were unusually good, and even Indian corn. Cheerfulness prevails since harvesting. As statements have been made to the south derogatory to our soil, allow me to say, it is believed, with the same cultivation, no country produces better wheat, oats, peas, potatoes, or any other crop, save Indian corn, for which the nights are too cool for a heavy

growth. The wheat crops, being never impaired by the frosts of winter or rains of summer, as in the States, are remarkably sure; nor, as yet, have our crops been disturbed by flies or insects. Wheat crops are heavy, as you will judge, when I assure you, from simply turning over the prairie, scattering the seed in October, and then, with no further trouble, passing the harrow over it, ten acres upon my plantation grew five hundred and forty-one bushels and a half. The river flats, containing much alluvial deposit, are very rich, the plains beautiful and verdant, being admirably watered, but generally sparsely timbered; the highlands well timbered and watered in many parts, and producing herbage, fir, an abundance of deer, elk, mountain sheep, &c. The entire Wallamette and Umpqua villages, capable of containing a population of several millions, it is generally believed, cannot be excelled as a whole for richness of soil, variety, grandeur, and beauty of scenery. Nor, considering the latitude, can it be equalled in mildness and agreeableness of climate. Our exports are wheat, beans, and salmon, for which, in return, we obtain from the Sandwich Islands sugar, molasses, tea, coffee, and other commodities, brought there from China, England, and America.

We are much in want of a currency and market; American merchants being as yet a slender reliance, and in view of the large emigrating parties of each year, we should be greatly distressed for necessary articles of wearing apparel, but for the most commendable spirit of accommodation on the part of the Hudson Bay Company. Could some arrangement be entered into for us to supply the navy of the Pacific with bread, beef, pork, and fish, we would be thereby much improved in our condition. This might, and perhaps ought, to be done, in view of the encouragements held out for our people to emigrate to this

country. Should it not be convenient for our ships of war to come to the Columbia for such supplies, they could be supplied or shipped to the Sandwich Islands if required. But more of this another time.

Having just taken the tour of the colony, for the purpose of attending the courts and visiting the schools, it affords me pleasure to say, I felt amply rewarded throughout. I found health, cheerfulness, and prosperity, and certainly most surprising improvements for the short time since they commenced. The decorum of the courts I have spoken of, and now have only to speak of the schools and Indians, and I am done; fearing I have already wearied your patience. For the want of means, the Methodist Manual Labor Indian School has been recently broken up, and is now occupied as a boarding-school for white children of both sexes. The school is yet small, but very well conducted, and promises usefulness to the colony. The schools at the falls of the Wallamette and Falatine Plains are likewise under the direction of Mr. Blanchette, Catholic clergyman, and are all small, numbering from fifteen to thirty only, but are well kept and doing good. I feel solicitous on this subject, and am saying and doing what I can to encourage education; but, like all other new countries, the people need their children much at home."

It will be perceived, from the annexed letter, that strenuous but successful efforts have been used to remove the distilleries in Oregon, and that many of the citizens were actually compelled, *vi et armis*, to destroy the principal distillery in a certain section of the country which was spreading mischief and distress for miles around. The people, or a majority of them, were fast becoming brutalized with the use of this destroyer. It was introduced at all times and on all occasions. Men, women, and children; the young maiden, in all the freshness of her early days;

and the young man, in all the strength and vigor of manhood, became a prey to its several ills. At midnight, in the morning, and at noon, might be seen whole families in groups almost insensible from the quantity of spirit drank. A few were left, however, as spectators to the scene. They saw the progressive power of this fell monster, and affectionately remonstrated. But intemperance heeds not remonstrances. It continued to exist, to the alarm of the more sober and reflecting. Persuasion would not do. It exerted no check, had no beneficial influence. Appeals, solemn and powerful, to the sober sense of the people, did not arrest or even impede the progress of this resistless tide. The hard drinker was taken from his besotted companions and implored, for his own sake, to "taste nor touch not." Letters were written, speeches made, all to no effect, until this admirable plan, a sovereign panacea, was fallen upon by Steward and Long. The idea had been long under serious consideration, and, in the event of any opposition, to adopt these means which would put an end to the use of ardent spirits. The subject had been thoroughly discussed by many of the most influential men in the territory. They had observed with mortification the progress that intemperance was making in the thickly settled neighborhoods, and saw to their horror the effect that it was producing, and was calculated to produce, on the laboring and business portions of the inhabitants. Their stern will to check this inordinate and unnatural desire could not be swayed, and they at once destroyed this distillery, which brought about a happy state of affairs. At first, while the scheme was in embryo, the excitement and indignation was very great with the hard drinkers, and particularly with those who had derived immediate profit from the sale of liquor. They spoke of mobs, tarring and feathering the offenders, and other harsh means of redress

were suggested; but their senses soon returned to them, "reason took her seat," and a drunken man is now rarely seen, where hundreds were in the habit of assembling. These very men are now probably as useful as any members of society, and are engaged in writing letters to their friends, and exerting their warmest endeavors to induce the poor man to emigrate. They speak of Oregon as a country of immense value to the United States; and it is very certain that it is not appreciated as such by the American people.

Look at its admirable locality. Its extreme northwest is bounded by the Pacific, extending some thousand miles along its coast, admitting the largest and finest vessels of the first class and vessels of merchandise. Storms off this coast are very frequent, sweeping every thing before them, but when these harbors are seen, they always offer a safe protection, easy of access. They are so situated as to be approached from any point, save from a northeasterly direction from the mouth, where there are a number of sand banks; it so happens, however, that no vessel in distress is ever excluded. The principal harbors on the coast are Canovered Bay, Clark's Point, Whitby's Bay, Point Greenville, Port Discovery, and Breaker Point. The Columbia river is also considered a safe harbor, and is much resorted to in bad weather; its course runs south, nearly to the 46th degree, and then takes a northerly direction as far as $46\frac{3}{4}$ degrees; as it advances into the interior of the country the stream is of course less wide, dividing itself into small tributaries, which water nearly the whole interior of the country west of the Rocky Mountains. Clark's river is quite an important branch. It runs from a small lake, called Pondery, in the neighborhood near which live the Flat Bon Indians. To this river belongs several small streams, which, after passing through a fine section of country, empty into the Columbia, not very far from its

sound. There are several forts in this part of the territory, Fort Vancouver, Fort Wallawalla, and another small fort, to which as yet no name has been given. East of the Rocky Mountains there is a fertile and valuable region of country, which has been for several years in active cultivation, and the product uncommonly good. This immediate section is less rocky, and better adapted to the growth of corn and peas than that which is adjacent; hence the population is larger and the people more industrious. They are provided with all the necessary implements of husbandry, and have succeeded, for several years past, admirably well with their crops; commanding at all times a good price for their grain, and meeting with a ready market. This portion of the country is of immense value to the United States—it is valuable for its location and natural advantages—for the richness of the soil—so easy of access, and for its contiguity to the principal villages. Considered as a boundary, the portion from the Mississippi to the Rocky Mountains is indispensable; we should insist upon having it, and any opposition ought to be resisted. It is worse than folly for England to contend for the portion lying between Red Lake in the north and Fort Dominee in the south; it is a very short distance from the boundary of Arkansas, separated only by the Mississippi river, which proves at once that the same divine hand that made land and sea, and saw “that they were good,” intended that this portion of the Oregon should be a part and parcel of the United States; to surrender it would acknowledge at once that our title was spurious, and was not sufficient to sustain us in asserting our right. What would be the situation of our towns and villages bordering on the Mississippi, should they be separated by British possessions, only by a narrow stream, about half of a mile in width? What would be the existing relations between

the British and our countrymen? Would they be safe at any time from insult, depredation, and murder? Has that deep-rooted feeling of jealousy and malice, that has existed on the part of England towards the United States, from the earliest days of her despotism to the present time, given way to the control of a more kind and friendly spirit? Do we find manifested in her Parliament that respect for our republican institutions, that esteem for our rulers and magistrate, and that desire to cherish good will as a foreign power, that would justify us in permitting them to settle at our very doors, with all their wild schemes of abolition and destructive notions of national policy? Never. There is not an American who would consent to see them located in a region of country but a stone's throw from their own. Again: Their opinions respecting the abolition of slavery are known throughout the world. The next question that naturally arises in connexion with this subject is, whether or not slavery is a southern institution. This all admit; and it is contended by many, the Hon. John C. Calhoun among the number, that slavery is a necessary institution, the prosperity of the South depending upon it. Here we find them determined to abolish it whenever and wherever they can, conflicting directly with a long-existing, and, we think, important institution. Of course this determination at all times will remain as fixed as it is at this time. No change of circumstances, no event, would alter this settled purpose, which has every year become more resolute. Between the British settlers and our slaves there would be constant intercourse. How could it be prevented? They would be subject to the most lawless, insidious, and revolutionary designs; plots and schemes would be continually at work, by which their freedom could be effected, and no vigilance on our part could prevent it. It is believed by many that in the course of time such would be the indus-

try with which this abolition party would prosecute their purposes, and such their unalterable determination to effect this object at any cost or sacrifice, that the South sooner or later would present a theatre of one of the most heart-rending and bloody tragedies that ever marked the sanguinary eras of Europe. There would be no stumbling block in the way; on the contrary, every inducement to carry out their plan. This is, therefore, one of the principal reasons for ridiculing and denouncing the idea of a surrender of this portion of the territory. The valley between the Blue and Rocky Mountains presents a barren wilderness for hundreds of miles. The land is wholly incapable of producing the most common weeds, and is consequently never tilled; the climate is likewise very bad. The nights are intensely cold, destroying every description of vegetation, rendering the climate dangerous to live in. It is inhabited almost entirely by a lawless class of men, who live by the depredations and robberies that they commit; they co-operate with all the savages, whom they can possibly prevail on to join them, and frequently take what they call "pillaging expeditions," destroying every thing that comes within their reach, and often taking the lives of useful and industrious citizens. Hear what Washington Irving says on the subject: "The monotony of these immense landscapes would be as wearisome as that of the Ocean, were they not relieved in some degree by the sweet atmosphere." Not far off there is a beautiful valley, watered by the Wallawalla, situated between the Blue and Far West Mountains. Here nature has scattered her bounties most profusely; fruit, flowers, and grapes may be found in great abundance. This immediate section is also celebrated as a pasture country; the cattle are remarkably fat and well grown, and, if "there be no deception, the cattle of the herdsman may range over a thousand hills." The valley, not very

distant from this, commonly called the Western Valley, is the great agricultural region; it extends from the straits of Fuca to the Umpqua river, and contains about 50,000 square miles. This is literally the Eden spot of the territory, and is susceptible of profitable cultivation, provided the proper implements can be obtained; for in many places the soil is hard and unyielding, and requires great labor to till it. This region is capable of supporting a very large population, almost as large as that of many of the States. The hills and forests around are magnificent; the foliage of the trees, many of them in perpetual verdure, and the rich shrubbery, running in wild profusion over hill and dale, together with the salubrity of the climate and the fertility of the soil, render it, to the enterprising settler, one of the most favored and lovely spots of creation. The thermometer in summer is seldom higher than 80°, and the temperature is considered at all times, with the exception of a few weeks, genial and delightful. The winter is represented as being mild and delightful, and not too cold for the performance of agricultural labors. It is mostly peopled by American emigrants, who are hardy, industrious, and enterprising, and capable of enduring great fatigue. Within a few years past the most astonishing improvements have been made; towns and villages are springing up every where; commerce, agriculture, and a well ordered system of government, is taking the place of national and physical wildness, and the recent letters that have been received bespeak the satisfaction and good feeling that is existing among the inhabitants. Here, says De Bow, "if any where, must the seat of empire, population, and wealth be, beyond the Rocky Mountains." The Columbia river, for thirty or forty miles from its mouth, forms a race or estuary, varying in width from three to seven miles; its mouth is surrounded with numerous shoals, as far upwards as

the "cascades," not far from the Wallamette river, no vessels venture beyond, and the loss of several packets, heavily laden with costly and valuable merchandise, has caused the greatest caution to be observed. The reefs of rock that extend out for miles are not visible to the eye; hence the necessity of employing the most skilful and experienced pilots. Whenever an accident occurs, there is no evidence of approaching dangers, and the vessel appears perfectly safe, and apparently in deep water, until she is stranded and dashed to pieces. Near the coast there are large groups of islands scattered around, between the 48° and 58° of latitude, which has been classed under one name, viz, the Northwest Archipelago. These islands are exceedingly sterile and unproductive, being of a porous, sandy soil; they abound in wood, however, which is carried off in large quantities and sold. Four years ago there were hardly five hundred of our citizens in all this region of Oregon, and these were simply farmers and graziers, located about the Wallamette or Wallawalla. Since, the tide of emigration has greatly increased. In 1833 about one hundred persons of all ages and sexes emigrated from the valley of the Mississippi. They carried with them wagons, carts, and farming utensils, and the belief was that this spirit of emigration would continue to exist from the encouraging accounts given by the settlers. The favorite point of rendezvous, for all persons emigrating to this country, is *Independence*, Missouri. From Independence the route is along the banks of the Kansas and Platte rivers, to Fort Laramie, 750 miles. From Laramie, directly westward to Fort Hall, near the head waters of the Lewis river, the distance is four hundred and fifty miles. Here the most difficult part of the journey is reached, and a kind of natural pass admits the party through the Rocky Mountains. From Fort Hall to the valley of the Walla-

walla, four hundred and fifty miles further, the road runs along the banks of the Lewis river ; four hundred and fifty miles more of travel, and the worn down and spiritless traveller, after an almost endless journey of two thousand miles, comes in view of the green and shady banks of the Willamet river. Here the scene is grand beyond description ; a splendid landscape, as far as the eye can reach, decorated with the fruit tree and the myrtle, is spread out to his admiring gaze ! He finds himself in a strange land, surrounded by strange faces, and the novelties of a new country. At first he feels the deepest sorrow at having left the home of his birth, around which cluster all the joyous reminiscences of his life. The familiar scenes of the past start at once into being, while he is carried in his day-dreams to the land of his childhood. In memory he finds himself with his connexions and friends, with his associates in life, and at the family altar of his own dear homestead. All things are new to him, and he quietly awaits the vicissitudes of time and change upon which to build new hopes. But the spell is soon broken. He forms acquaintances and business connexions, which relieve his mind and give rise to perfect satisfaction.

Among the settlers here and in the neighborhood there is a feeling of sensibility not surpassed in the most favored and civilized countries. The most friendly relations are cultivated in all their various occupations ; and whenever disputes occur, which is rarely the case, they are soon adjusted, and the most amicable feelings exist. For some time past, there has been a system of religious teaching going on which has greatly improved the morals of the people. At first, our ministers were received with great contempt, and their lives even threatened. Large companies of Indians would meet together, and concoct schemes for the expulsion of them. After a while,

however, they became perfectly reconciled, and attended divine service regularly, both men and women. Previous to this religious instruction, and for some time after, the Indians were greatly addicted to ball-playing, gambling, dancing, and drinking, and manifested perfect indifference about attending church; but the untiring and successful efforts of Mr. Tolsom, whose anxiety was only equalled by his zeal in advancing their spiritual good, tended, in a very great measure, to reform the bad habits of the more corrupt and degenerate. In the neighborhood of Wheelock religious excitement has been prevailing for a long time. Indeed, ever since 1840, when a radical change took place in the characters and habits of the people. Prior to this time, many of the inhabitants here had no idea of a God, and, of consequence, of their responsibility. They ridiculed the idea of religious ceremony—calling it a false mockery—converting the Sabbath into a day of riotous and luxurious living, and taking the greatest delight in denouncing the precepts of the Bible, which had been explained to them by their teachers. However, a great change has taken place. Large school-houses have been recently built by the moral and industrious, and they even supply their own teachers. Mr. Wright is also an active laborer in the vineyard. He has extended Sabbath school teaching to several dark and unenlightened neighborhoods, and introduced a system of religious and practical education, the benefits of which are very apparent. At first, there were only about fifteen scholars, who appeared very indifferent, being irregular in their attendance, and frequently permitting days and weeks to pass without making their appearance, recently about one hundred and twenty have been added to the number of learners, and seven flourishing sabbath schools connected with Wheelock. All of these schools, with the exception of one at Wheelock, are

open on Saturday as well as Sunday. In the seven schools mentioned, there are from three to four hundred learners; and the number who can read and write their own language is constantly and rapidly increasing. If no untoward event, says a writer from that country, shall happen to retard the progress of improvement, the Choctaws, as a nation, will, at no distant day, become a reading people.

CHAP. VI.

Capacities for trade and commerce.

An estimate can scarcely be made of the capacities of this territory for trade and commerce. It has never been fairly or fully tested. Indeed, the settlements that have been made by the American settlers have been comparatively so recent, that they have had no fair opportunity to test the character of the soil. It is true that farming operations have been very successful, and the amount of grain raised greater than was expected; but there are many things yet wanting that are almost indispensable. The system of agriculture is not perfected, and they have not the force on their farms which is essential to success. Many farming implements have been carried to Oregon by emigrants during the last three years; but the number has been so limited, that the land has been only partially cultivated. Developments, however, are being made every year, and the increase is perceptible to all. We have the most indisputable evidence of the strength and fertility of the soil from gentlemen who have been engaged in agricultural pursuits for the last fifty years. Their accounts are most flattering, and the reports made by them respecting the number of bushels of wheat and peas raised to the acre have even astonished the most learned and skilled of our farmers. The attention that they pay to the crops is not half so great as that bestowed in this country. They seed their grain as we do, and attend to it afterwards, before it reaches maturity. The product is almost as much again, and the grain fuller and heavier. No one who has ever gone to Oregon has ever been in the least disappointed after remaining there for some months. Their expect-

tations have been invariably more than realized; and the accounts we hear, though apparently much exaggerated, are not equal to what they see. All express the most entire satisfaction, write the most inviting and glowing accounts to their friends, and hold out, by the bright pictures they paint, the strongest inducements to emigration. The facilities of intercourse which are offered with foreign nations are exceedingly desirable, inasmuch as the people of Oregon can at any time, within a few days, exchange their productions, and bring over to their own country those articles which are not adapted to the soil of the territory. The western part of it is not very distant from a number of beautiful islands bordering on the coast. Three or four days' sail will bring them to portions of the world where there is natural and artificial growth in abundance that will not grow where they are. If commerce, manufactures, and trade of all kinds increase with the impulse they necessarily give to the character of the people, are what the American people desire and need, Oregon presents the most inviting field in the known world, and holds out advantages which any other nation would be delighted to possess. This is a great and inexhaustible and almost boundless territory, ready for an exercise of the industry and ingenious spirit of the American people, and especially of its Atlantic manufacturing and commercial sections, which have an incalculably greater interest in the question of American rights in Oregon than the southern and western States. If any advantages are to be derived, these States will feel them more sensibly than any others. It is necessary, in order to reach the more distant portions of the Union to pass directly through them, or on their banks for many miles. Mr. Baylies, of Massachusetts, chairman of a committee of Congress, in 1826, in a report to the House, which fell unheeded upon the dull ear of

the public, thus happily describes the capacities of this mighty region: "A vast river, with its tributaries and branches, waters its whole extent, through seven degrees of latitude, and flows beyond into the territories of other nations. It abounds in excellent timber and in spars, unsurpassed by any in the world. Its waters are navigable for vessels through half its extent, even for boats through half the remainder. 'The water power for moving manufacturing machinery is unequalled, and ceases where the navigation terminates. It is bounded on the south by a country abounding in cattle and wheat, which can be reached by sea in less than two days, and the vicinity too of other countries, whose interior is filled with the purer metals and the richest articles of commerce, and whose shores abound in the pearl-producing oyster. It is within twenty days' sail of the coasts of Peru and Chili, which are identified with fine bays and harbors, but destitute of the material for ship building, which they would receive from this source, that could supply the materials at the cheapest rate. It is within seventy or eighty days' sail of China and the East India seas, and within thirty of the Sandwich Islands, abounding in sandal wood, sugar cane, and tropical fruits, and perfectly adapted to the cultivation of coffee and cotton. In a word, if it were given to a civilized, commercial, and manufacturing people to choose their place of rest, the world affords no position equal to this; and it requires no prophetic spirit to foresee the wealth and grandeur of that fortunate race, whose happy destiny shall have placed them in this beautiful region."

If this statement is to be relied on, and in it we put the most perfect confidence, we have within our reach the occupancy of a country infinitely superior to our own in its soil and in its capacities for trade. The settlers are becoming every day more dissatisfied. Their complaints are

continually being made through the press, and it is very certain that unless the United States take possession within a few years, they will, without hesitation, declare themselves free and independent. Rumors to that effect have already reached the seat of our Government, and should arouse the people. Forbearance with them "will soon cease to be a virtue." Can it be expected that our own people, born Americans, will live under the control of British laws and rules? This country must soon be Oregon or the United States. There is no half way ground—no compromise here. Should England obtain it, Americans will be driven away forever. "There is already an organized government, subject to the approval of the United States. It consists of an executive, legislative committee, &c. They have adopted the laws of the nearest Territory as their code; and also made some local regulations. A rich square is allowed each settler. The settled parts have been divided into five counties, all on the south side of the Columbia. They have not extended jurisdiction to the north side yet. And this makes some of the hot-headed fret, as they considered the matter a tacit acknowledgment that the north side belongs to the English. But this is a mistake. The reason why jurisdiction was not extended across the Columbia, was because no American had settled there; and, consequently, there seems to be no cause for passing the river with a government when there are none to govern but Indians or British subjects. Should any of the recent emigrants settle on that side, there is no doubt that the next sitting of the legislature will extend their laws to them." It is very obvious, from the recent proceedings of the inhabitants of this territory, that they are becoming deeply incensed at the neglect which has been shown them, and are doing every thing in their power, in view of this indifference, to

establish their own government and laws. It is not to be surprised at. They have every thing they want within thirty days' sail of the Sandwich Islands, where they are supplied with an abundance of sugar and coffee, together with sandal wood and cotton. The necessities of life, which are used by all classes and conditions, can be purchased for a mere pittance, or gotten in exchange for timber that grows in the territory. This advantage, independent of others equally important, would be greatly appreciated in our southern and southwestern States. Instead of paying $12\frac{1}{2}$ cents per pound for sugar, it could be bought for about four cents. And in our manufacturing establishments, particularly on the Mississippi river, cotton cloths could be made and sold for about one half of what is now paid. The raw material can be purchased for less, and of course sold for less. And those very goods for which we are now paying twenty cents per yard could be bought for sixteen cents. These are some of the few advantages which England would derive had she possession.

The valley of Wallamette, for beauty and fertility may be regarded as one of the finest countries on the globe, and is described by Walker, p. 105, in the following manner :

“The soft rich soil of the prairie is easily broken up from its original imbeddedness with a single yoke of oxen, or a team of horses, and the moderation of the climate allows you to sow spring wheat as early as February, and from that until the 15th of May, as the season happens to run. You commence ploughing in October, and plough and sow wheat from that time until the 15th of May, to suit the spring or fall crops. There is not much difference in the yield of the fall and spring crops ; but you must put about twice as much for seed in the ground for

the latter as for the former. The land yields from 25 to 40 bushels to the acre. I saw a field of 50 acres, sown about the 15th of May last in new ground, which produced about 110 bushels of the most excellent grain. This country produces oats, tomatoes, and garden vegetables, generally in great abundance. Irish potatoes and turnips grow better here than in the States. Sweet potatoes have not yet been tried, with the exception of an inferior species from the Sandwich Islands, and they did not succeed well. And it is not so profitable a crop as grain. Yet it can be raised here in sufficient quantities for all useful purposes; for you need but little, in consequence of not being obliged to feed your stock. Fruit, such as apples, peaches, cherries, plums, pears, melons, &c., thrive here exceedingly well; while wild fruit and berries abound in the greatest profusion. Cranberries are found in great abundance near the mouth of the Columbia, and are brought up here and to Vancouver by the Indians, and sold for almost nothing. Blue-berries, raspberries, salberries, thornberries, crab-apples, a kind of whortleberry, and strawberries, are found in large quantities in every direction in this section of Oregon. The strawberries of this country are peculiarly fine; they are larger in size than those of the States, and possess a more delicious flavor. As regards the country for grazing, it is certainly all that any one could wish it. Cattle require no shelter, nor feeding. And upon the Yan Hill plains, near the salt springs, fodder in abundance is supplied. Cows calve here when fifteen or twenty months old. This is also a good country for raising hogs. Upon the Wallamette, below the falls, they live almost entirely upon the wappato root, and upon the plains they find a bountiful subsistence in the ears and fruit of the white oak. The grass of this county, as I have had occasion to say before, is peculiarly nutritious; and cattle

that have been put here to recruit, recover their physical energies with wonderful rapidity while feeding on it. In the last of November, the period of my first visit to this place, I saw a fine sorrel horse, which had been brought to this country by Mr. John Hobman, of Clinton county, Missouri, that was turned upon the grass on Fallatine plains, in the middle of the previous month. He was then so reduced and feeble with the fatigue he had undergone during the trip from the State that he could barely raise a trot; but when I saw him, he was in fine condition, and running about the place as gaily as any of the other horses, with whom he was enjoying primitive independence. Cattle that were worked from the States to the Dalles, and from there brought down to the Wallamette valley last year, have borne the winter well, and are now thriving rapidly. The climate of this section of Oregon is, indeed, most mild. Having passed a winter here, permanently and most comfortably established at Linton, I am enabled to speak of it from practical experience. The winter may be said to commence about the middle of December, and to end about the 10th of February. And a notion of the general nature of its visitation may be gained from the fact, that I saw strawberries in bloom about the first of last December, and to eat about the 10th of February. I saw strawberries also in bloom about the 1st of December on the Fallatine plains. And as early as the 20th of February, the wild flowers were blooming on the sides. The grass has even been growing since the 10th February; and towards the end of that month the trees were budding, and the shrubbery in bloom. About the 26th of November, we had a spell of cold weather, and a slight fall of snow, which, however, was gone in a day or two. In December we had a very little snow, all of it melting as it fell. In January we had snow, but all of it, like the pre-

vious falls, melted as it came down, with the exception of one visitation, that managed to last upon the ground for three days. The soil has not been frozen more than once during the whole winter. And ploughing has been carried on without interruption throughout the winter and fall. As regards rains in the fall, I have found them much less troublesome than I anticipated. I supposed from what I had heard of the excessive storms in this region, that outdoor work could not be done at all here during the rainy season; but I have found that a great deal more labor of this description can be performed here than during the same period in the western States. The rains fall in gentle showers, and are generally what are termed drizzling rains, from the effect of which a blanket-coat is an effectual protection. They are not the chilly rains that sting you in the fall and spring seasons of the eastern States, but are warm as well as light. They are never hard enough in the worst of times to wash the roads or fields, and consequently you can find no gullies, worn or cut, in your fields, by this means. And as for wind, I have witnessed less, if such a term can be used, than at any other place I have ever been in. And I have but to say, that if the timber we have here spread their lofty branches in the States, they would be riven by the lightning, and blown down to an extent that would spare many of them the blow of the settlers' axe. Here I have heard no thunder, and have seen but one tree that had been struck by lightning."

By the acquisition of this territory, an extensive and profitable command of the fur trade of the north would be obtained from latitude 38° to the pole. The whole of this section of the country, which abounds probably more in the *fur-producing animal* than any other, would be under our command, and consequently an impetus and strength would be given not only to the trade of that immediate

section, but the effect would be sensibly felt in the interior of the United States, and particularly by the cities bordering on the Mississippi. The demand for fur in Liberty and Lexington, Missouri, and also in many of the principal towns of Illinois, would be very great. Their establishments would be enlarged necessarily; new houses would be opened; and even in this particular there can be no adequate estimate made of the benefits, when supported by the operations of that credit which Great Britain so eminently possesses. Should this part of the territory be ceded to England by negotiation, or in any other way that is legal or in conformity with the usages of nations, there would be scarcely any intercourse between the two powers: we mean no more than there is at present. The two countries, by mutual consent, would be separate and distinct; each would confine itself to its own dominions, and to the control of its own laws and institutions; and though bordering on each other, and connected by nature's God, when we crossed the boundary, we should feel that we were strangers; as much so as if we were in Manchester or Birmingham. The value of this possession to a nation like ours, agricultural as it is, is great beyond conception. See the facilities of improvement with which we are surrounded, the character and habits of our people, their enterprising and liberal spirit, the good will and unanimity that exists between State and State—all these considerations, in forming a territorial connexion, are highly important. Indeed, without them, it would be worse than folly to attempt the settlement of a country so vast in its natural resources. Oregon might be made by the American people an important source of revenue in the course of time—almost equal to that which is now paid into our coffers. What would prevent the establishment of large mills and cotton factories on the Columbia, Lewis and Clark rivers,

and on a hundred other streams, which flow almost through the entire territory? They are navigable, a number of them, for many miles, and the land is exceedingly fertile. All the necessary ingredients for putting up houses are close by. Large and inexhaustible quarries of stone may be found almost any where. The timber is infinitely superior to our own, and nothing would be needed but the labor necessary to a work, arduous it is true, but incalculable in its advantages. There are many healthy and beautiful situations for building towns and villages on the banks of navigable streams passing through a fine portion of country. The influence that would be exerted on our slave population would necessarily be very great. Slavery would not be confined, as it now is, to a few States. The population would be scattered at once, and their conditions much improved. One of the principal objections to the institution urged by the fanatical abolitionists of the north is, that there are too many occupying a small tract of country. This objection would be removed; for an extension would take place forthwith, and the liability to rebellion and insurrection decidedly less. We can very easily dispose of a large number of slaves living in the south. There is no need for the labor of all of them there. However, the number has greatly diminished within the last twenty years, and by enlarging their place of residence, their labor would be much more valuable, and put an end, in a great measure, to the disturbances at the north.

The question may now be very properly asked, in view of the position assumed by us, whether we shall surrender this territory submissively, and with an entire willingness to accede to British demands, or maintain our rights as becomes a free and responsible people? Whether, after a controversy of many years' duration, which has involved

the disputed claims of several large and important powers of the earth, we shall finally yield, after the arguments that have been adduced in favor of our title, or plant ourselves upon the broad platform of constitutional law, and say to the world, "thus far shalt thou go, and no farther." By taking this course, we should meet with the approbation of all nations not interested; and there would be but one opinion throughout the civilized world, which would justify us legally and honorably upon the ground that we had violated none of the established usages of nations, nor any treaty stipulations. With respect to the slave population, we admit many difficulties have arisen. It is necessary to scatter them over as great an extent of country as can be done consistently with propriety: as far as they are concerned, they have no objection. Their happiness would not be disturbed in the least. They would as soon exert their labor in one portion of the world as in another. They ask for kind and humane treatment—they ask for protection. They well know the relations that subsist between the white population and themselves; and are taught *instinctively* that they are slaves, born to be slaves, and as such must live and die. We are well aware that strong fears have been entertained by a number of large slave holders that in some future day, possibly at the still and solemn hour of midnight, there would be an attempt made by them, a bold and united attempt, long conceived and finally matured, to effect their emancipation. The cry in the north has been that the slave of the south is treated cruelly and inhumanly, brutalized by a system of rigid discipline, and deprived, in a great measure, of the rational and innocent enjoyments of life. False, indeed, is the opinion, and unworthy of a moment's consideration. Speeches have been made in the presence of large popular assemblies to awaken, as they say, "a proper spirit on this

subject." Awaken a proper spirit! Would they have the master to place himself on an equality with his slave? Are the results of a course so unwise and dangerous considered? Does the abolitionist reflect upon the number of slaves in the south, their intelligence, and their capacity for mischief? In their wild fanaticism and unreasonable suggestions, and in their heated denunciations and extravagant surmises, their judgments become warped, their minds poisoned with false impressions, and the doors of their hearts are closed to the power of conviction and the force of argument. They do not take a cool and dispassionate view of this subject; nor do they reflect upon the important fact that slavery does exist and has existed for centuries; that our fathers quietly endured its abuses, if abuses they are, without the necessity of abolition. Their desire is to see the slave elevated in his social, political, and civil relations, to the grade of the white man; to see him under no restriction, amenable to no law, save that which controls the great bulk of mankind. This, in the nature of things, is next to impossible. There is not a free negro in the north who does not afford direct and positive truth of an important part of the Bible. Whether called servants, freemen, or gentlemen, if the negro, north or south, east or west, is serving the white man, and satisfying his wants by an exercise of labor, *he is a slave among us*: such as barbers, shoe-blacks, waiters, and cooks. They may be called freemen, and may, to a certain extent, exercise the privileges of freemen, but unless the doom of their inferiority is changed, they are in a state of servitude. The scriptures tell us "they shall live in servitude;" and their condition can never be reversed. Place them in any business that is not servile, elevate them above the menial occupations and employments of life, and they are the most unhappy and discontented creatures

on earth, disturbing the peace and harmony of society, filling the prisons, taxing the country, and a nuisance to the neighborhood around them. We contend that the masters in the south, for more than a hundred years, have lived more securely among their slave peasantry than the masters of Great Britain among the *nominal* freemen. The relation between master and slave is not maintained here, like the relation of master and slave of the old world. Far from it. There the bayonet exercises its irresistible and subduing control. They are compelled to obey strictly cruel and arbitrary laws, made expressly for their observance. Here the relation is maintained quietly and peaceably, by an instinctive and inborn principle which draws the line between master and slave. Notwithstanding the powerful and abortive efforts to enkindle in this religious land the fires of revolution and discord, the American master has for centuries lived infinitely more happy than the English masters, with all their guard-soldiers, work-houses, prison-ships, and Botany Bay besides. We insist that the slaves of the United States, and we speak on the authority of British journals and newspapers, are subject to fewer evils, and live in better security, than the laboring classes of Great Britain. Ask the physician of our country, who has been in Europe for years at the medical institutions, what is the social condition of the lower classes of people generally? Sunday morning is the time, we are told, "when the European hospitals are most crowded with broken heads; the poor laborer, late on Saturday night, returning home, having been knocked down by the half-clad wretches out of employment, and robbed of his wages." So far from living in peace, the laborers seem to wage perpetual war with one another. A spirit of jealousy and dissatisfaction is never at rest. On the contrary, it is perpetually at work; and hence it is

that their calendars are always filled with the most heart-rending and distressing accounts.

The people of the north should be highly pleased with the extension of our territory. Their hope to see the slave States free States will much sooner be realized ; for in proportion as the slaves are carried south, in the same ratio will the like number be diminished in Virginia, North Carolina, South Carolina, and Georgia. There is no better theatre for the exercise of their labors than the Oregon territory. The climate is as healthy as that of Virginia, and there is less sickness by one-half than in the other States. The commercial advantages are generally superior to those we now enjoy. For a long time the trade with the Sandwich Islands has been daily increasing ; and the manufacturing power must, looking to the spirit with which everything is carried, have a home market for itself. Moreover, from what place are California, South America, and the Sandwich Islands to procure their timber, unless they get it from Oregon? They have no where else to go for it—they have none of their own, and must get it from Oregon. To one of these markets, already large quantities of plank and shingles are sent ; their vessels come for them, and at the same time there is a great demand for all kinds of provisions and surplus productions ; for it is rarely the case that vessels visiting the North Pacific do not touch at these islands. The Russian possessions are also wholly dependent upon the people of Oregon for their ship timber, and many other articles ; and the China markets are all within a stone's throw. What renders this territory valuable in itself is, that the neighboring countries and islands produce scarcely nothing that is produced there ; and necessarily there must be a constant intercourse. In one respect, Oregon is superior to California. In the latter country the climate is so warm,

that pork is never put up, or fresh meat of any kind; which, of course, depreciates the value and affects the sale of them almost one-half. As soon as the beef is killed it must be sold, or it is good for nothing; for it is tainted in a very little while by the heated and enervating atmosphere, which never varies. The climate is sufficiently cool for all purposes. Pork, beef, and all fresh meats can be preserved for days at a time. The water is better, the water-power is greater, and the droughts are by no means as long and destructive as those of California. The country within the last five years has greatly improved in business of all kinds; while the people live in a state of primitive simplicity and independence. They are given to no very bad habits, and labor meets with such ample inducements and ready rewards, that lazy men are made industrious by the mere force of the influences around them." There is no business in the country, not even that of the Hudson Bay Company, that is half so profitable as that of farming. All engage in it who have the means; and often a very small capital, a few horses and wagons, and a little ready money, opens the way to wealth and prosperity. Putting up butter has become a very popular pursuit. When fresh and good, it often brings one dollar per pound. Provisions of all kinds are very abundant, and can be bought at very low prices. The cattle are all fat, and afford throughout the winter the finest milk. There can be no country on the globe more productive than this territory in many places, as will be seen from the following interesting letter:

"*Harvest is just at hand, and such crops of wheat, barley, oats, and peas are seldom, if ever, to be seen in the

*The above is an extract of a letter from Gen. McCarver, who is, at present, Speaker of the Lower House of Oregon.

States—that of wheat in particular—the shocks being in many instances as high as my head, the grains generally much larger. I would not much exaggerate to say that they are as large again as those grown east of the mountains. The soil is good and the climate most superior, being mild the year round, and very healthy—more so than any country I have lived in the same length of time. Produce bears an excellent price. Pork 10 cents, beef 6 cents, potatoes 50 cents, wheat \$1 per bushel. These articles are purchased at the above prices with great avidity by the merchants for shipment, generally to the Sandwich Islands and Russian possessions on this continent, and are paid mostly in sugar and coffee, of which abundant supplies are furnished. Wages for laborers are high. Common hands are getting from one to two dollars per day, and mechanics from two to four dollars per day. It is with difficulty that men can be procured at these prices, so easily can they do better on their farms. The plains are a perpetual meadow, furnishing two complete new crops in a year, spring and fall. The latter remaining green through the winter. Beef is killed from the grass at any season of the year. If you have any enterprise left, or if your neighbors have any, here is the place for them.”

It appears that the Oregon territory has been divided by nature into three separate parts, in divisions, called mountain ranges. After leaving the coast of the Pacific, the first range that appear are the cascade mountains, which extend but a short distance, and are about 200 feet above the level of the sea. They take their rise about the 42° parallel, and run on a line with the coast at a distance varying from 100 to 125 miles, throughout the whole length of the territory, appearing in many places from 12,000 to 13,000 feet above the level of the sea, in separate cones.

Their succession is so very continuous as to affect somewhat the interval between the sections. There is a passage forced through, however, by the Columbia and Fraser's rivers, presenting a very sublime scene. This chain of mountains has been called by various names; but we believe that the proper name is the "President's range," as the most elevated peaks were named many years ago by an American traveller who was passing through the country. There is another division commencing near the centre of Oregon, in parallel of longitude 43° west from Washington, and in 46° latitude. Their course is westerly and southwesterly from this point to 180 miles in an irregular manner, occasionally interrupted and shooting off in spires to the south and west. This ridge has been called the "*third* region of Oregon." A considerable distance beyond the Blue Mountains, and between them and the Rocky mountains, is what is termed "*the high country*." The rocky mountains run south and southeast. This range runs south from $54^{\circ} 46'$ parallel to the coast, at a distance of 300 miles, and gradually extend their distance from the sea, by a continuous southeasterly course, to over seven hundred, at the 40° . In these mountains and their offsets rise the principal rivers, which find their way into the Pacific to the west, and the Gulf of Mexico on the east. Near the 42° parallel is a remarkable depression in the chain, called "*the southern pass*," which experience has proved affords a short and easy route for carriages, from our States, into the territory. Above the 48° parallel again other passes are formed by the courses of the rivers from either side, which find their way in some places between the mountains. There are other ridges intersecting the face of this vast country, but they are principally offsets or spurs of the chains spoken of. The principal of these is the Wind River cluster, in the east of the Rocky

Mountains, from which flow many of the head-waters of the Missouri and the Yellow Stone rivers. There is another long line of mountains which we have omitted to mention in their place, which take their course from Mount Jackson to Mount Tyler. They are thus graphically described by Lieut. Wilkes, page 36. "Perpetual mementoes in the archives of our nation, they form no perishable notes of heraldry for the contempt of succeeding ages, but basing their stupendous data upon the eternal earth, pierce with their awful grandeur the region of the clouds, to transcribe their records on the face of heaven." The first of them, Mount Jackson, commences the list in $41^{\circ} 10'$; Jefferson, in $40^{\circ} 30'$; Mount St. Helen's, in 46° ; Van Buren, northwest of Fugitt's Sound, in 48° ; Harrison, east of the same, in $47\frac{3}{4}^{\circ}$; and Tyler, in 49° . Of these mountains, Mount Jackson is considered the highest; rising above the level of the sea at a distance of 20,000 feet. The next in size is Washington, estimated at 17,000 or 18,000. This mountain presents a beautiful appearance to the eye. It rises gradually from its base, forming a perfect cone, while a greater portion of it is covered with perpetual snow.*

The *third region, or high country*, as described by Wilkes, is a rocky, barren, broken country, traversed in all directions by stupendous mountains, on the peaks of which snow lies nearly all the year. It is from 2,000 to 3,000 feet above the level of the sea, and, in consequence, the rivers flowing through it westward to the Columbia are broken at frequent intervals by the rugged descent, and rendered navigable almost throughout the whole of their course. There are but few arable spots in this whole section of country; its level plains, except narrow strips

* The limit of perpetual snow for these mountains is, according to Lieutenant Wilkes, 6,500 feet from the level of the sea.

in the immediate vicinity of the rivers, being covered with sand or gravel, and being also generally volcanic in their character. The distinguishing features of the territory are its external dryness, and the difference of its temperature between the day and the night. It seldom rains, except during a few days in the spring, and no moisture is deposited in dews. In addition to these discouraging features, the climate, from its enclosure between the snowy barriers, is extremely variable; a difference of fifty and sixty degrees taking place between sunrise and mid-day. The soil is moreover much impregnated with salt springs, which abound in many places. Some of these springs possess medicinal qualities, and from the beauty of their situation, will doubtless become, before time is done, the resort of the fashionable population of western America.

Notwithstanding all these unfavorable qualities, there are many small prairies within its mountains which, from their production of a particularly *nutritious bunch grass*, are well adapted for grazing purposes, and in despite of its changeable climate, stock is found to thrive well, and to endure the severity of the winter without protection.

The *second, or middle region*, of Oregon, between the Blue and President's ridges, is less elevated than the third, and consequently all the stern extremities of the latter climate and soil are proportionably modified. Its main height is about a thousand feet above the level of the sea, and much of its surface is a rolling prairie country, with the exception of the portion above latitude 48° , which is very much broken by rivers and transverse mountain chains. It is consequently adapted only in sections to farming purposes. Plenty of game, however, is found in the forests of the country to compensate for its unfitness for agriculture. Below this parallel, and in the middle of the section, are extensive plains, admirably adapted to stock-raising,

from the perpetual verdure which always overspreads them, and from the salubrious climate that prevails throughout the neighborhood. Cattle thrive even better here than in the low country; and there is no necessity for housing them at any time; neither need provisions be laid in, the natural hay, found always in abundance on the prairies, being preferred by them to the fresh grass upon the bottoms. It is in this region, the Indians raise their immense herds of horses; and here, whenever the territory shall be numerously settled, may be bred crowds of horsemen who would not be excelled by any light cavalry in the world. The southern portion of this region, as it advances to the boundary line, becomes less favorable to the purposes of man, and loses its fertility by rolling into swelling sand-hills, producing nothing but the wild wormwood, mixed with prickly pear, and a sparse sprinkling of short bunch grass.

The *first region* is that which lies along the coast, and extends westward to the line of the President's range of mountains. The portion of this lying north of the Columbia, and between it and the Straits of De Fuca, is a heavily timbered country, covered with trees of extraordinary size. It has, however, its spaces of prairie, in which good pasturage is found; and it has also some fine arable land. This section is watered by four rivers, of which the Chickelis, disemboguing into the Columbia, and the Cowelitz, emptying into the sea at Gray's Harbor, are the most important. The forests of this portion of the lower region are its great feature. They consist of pine, fir, spruce, red and white oak, ash, arbutus, arbor vitæ, cedar, poplar, maple, willow, cherry, and yew, with so close and matted an undergrowth of hazel and other brambles, as to render them almost impenetrable to the foot of man. Most of the trees are of an enormous bulk; and they are studded so thickly that they rise be-

fore the beholder like a stupendous and impregnable solidity, which declares futile all ordinary attempts to penetrate it. This astonishing exuberance is not confined alone to the timber of the section north of the Columbia; for we have an account of a fir growing at Astoria, eight miles from the ocean, on the southern bank of the Columbia, which measured forty-six feet in circumference, at ten feet from the ground, ascended one hundred and fifty-three feet before giving off a branch, and was three hundred feet in its whole height. Another tree of the same species is said to be standing on the Umpqua, the trunk of which is fifty-seven feet in circumference, and two hundred and sixteen feet in height. Prime sound pines, from two hundred to two hundred and eighty feet, and from twenty to fifty in circumference, are by no means uncommon. The value of this spontaneous wealth has already been appreciated by the acute company who reign commercially predominant in this region; for already their untiring sawmills, plied by gangs of Sandwich Islanders and servile Iroquois, cut daily, at Fort Vancouver alone, thousands of feet of plank, which are transported regularly to the markets of the Pacific islands. But to return to that section of the lower region lying between the Columbia and the Straits of Fuca.

The banks of the Cowelitz are generally bare of timber, and the soil in their immediate vicinity is, for the most part, poor. The Hudson Bay Company have, however, a fine farm of 600 acres in its western valley, which, in 1841, produced 1,000 bushels of wheat. The average produce is twenty bushels to the acre. They have also a saw and grist-mill now in operation there, both of which find a market for their products in the Sandwich and other islands of Polynesia. Live stock does not succeed well on these

farms; and this is owing to the absence of low prairie grounds near the river, and also to the extensive depredations of the wolves. The hilly portion of the country immediately around, though its soil is very good, is too heavily timbered to be available for agricultural purposes; and this is also the case with many portions of the level land. There are, however, large tracts of fine prairie at intervals between, suitable for cultivation, and ready for the plough. Proceeding northward, we come to Fort Nasqually, a fine harbor at the southern point of Fugitt's Sound. Here the Hudson Bay Company have another fine settlement, and raise wheat, (15 bushels to the acre,) oats, peas, potatoes, and make butter, for the Russian settlements. On the islands of the sound, and on the upper sections of Admiralty Inlet, the Indians cultivate potatoes in great abundance. These vegetables are extremely fine, and constitute a large portion of their food.

We come now to a lower region lying south of the Columbia, between the President's range and the coast. This, by universal agreement, is admitted to be the finest portion of all Oregon. It is entered by the Wallamette river, about five miles below Vancouver, which stream extends into its bosom over two hundred miles. This river is navigable for steamboats and vessels of light draught for nearly forty miles, when you come to a falls. The invariable feature of the rivers of this territory above the falls are the principal settlements of Oregon. Here the American adventurers have principally established themselves; and by the contributions of the emigrants from the States, their number is rapidly increasing. The fertile portion of the valley of the Wallamette is about two hundred and fifty miles long, and averages about seventy in width, making in all a surface of more than 17,000 square miles of rich arable land. The soil is an unctuous, heavy, black

loam, which yields to the producer a ready and profuse return for the slightest outlay of his labor. The climate is mild throughout the year, but the summer is warm, and very dry. From April to October, while the sea-breezes prevail, rain seldom falls in any part of Oregon. During the other months, and while the south winds blow, the rains are frequent, and at times abundant. In the valleys of the low country snow is seldom seen, and the ground is so rarely frozen, that ploughing may be generally carried on the whole winter. In 1834, the Columbia was frozen over for thirteen days; but this was principally attributable to the accumulation of ice from above."

Lieutenant Wilkes says of the neighboring country: "The wheat yields thirty-five or forty bushels for one bushel sown, or from twenty to thirty to the acre. Its quality is superior to that grown in the United States, and its weight is nearly four pounds to the bushel heavier. The above is the yield of the new land, but it is believed it will greatly exceed this after the third crop, when the land has been broken up and well tilled. In comparison to our country, we would say, that the labor necessary to acquire wealth or subsistence, is in proportion of one to three; or, in other words, a man must work through the year three times as much in the United States to gain the same competency. The care of stock, which occupies so much time with us, requires no attention here, and on the increase alone a man might find support."

South of the valley of the Wallamette we come to that of the Umpqua, in which is found large prairies of unsurpassable arable land, though the vicinage of the river is chiefly remarkable for its gigantic pine timber. Some idea of the extraordinary size of the forest trees may be obtained from the fact, that their seed cones are sometimes more than a foot in length. Below the Umpqua, we next ar-

rive at the country watered by the Tootootua, or Rogue's river, and beyond that to the voluptuous valley of the Klamet. These lower portions of the first region are thought by many to be the paradise of the whole territory, excelling in richness of soil and voluptuousness of climate even the celebrated valley of the Wallamette. Of this opinion is Lieutenant Wilkes, to whose exertions and researches we are indebted for most of our accurate geographical knowledge of the western portion of Oregon. Indeed, probability seems to be in favor of regarding the valleys of the Klamet and Tootootua and the Umpqua as the gardens of the west, and the cause of the preference of the northern portion is to be attributed mostly to the readier access afforded to them by the avenue of the Columbia. Population is already gradually approaching further and further south, and but few years will elapse before coasters will be running down to the mouths of those three rivers for their agricultural products. We had prepared quite an accurate description of the rivers of the territory from the different maps that have appeared, but the description contained in the volume of Mr. George Wilkes, being, we think, superior, as far as accuracy is concerned, we shall insert a portion of it :

Rivers.

The northern branch of the Columbia river rises in latitude 50° north and 116° west from Greenwich ; thence it pursues a northern route to McGillivray's pass in the Rocky Mountains ; there it meets the Canoe river, and by that tributary ascends northwesterly for eight miles more. At the Boat Encampment at the Pass, another stream also joins it through the mountains ; and here the Columbia is 3,600 feet above the level of the sea. It now turns south, having some obstructions to its safe navigation, in the way

of rapids, receiving many tributaries in its course to Colville, and two smaller tributaries higher up from the west, are the chief. This great river is bounded thus far in its course by a range of high, well-wooded mountains, and in places extends with a line of lakes before it reaches Colville, where it is 2,049 feet above the level of the sea, having a fall of 550 feet in 220 miles. Fort Colville stands on a plain of 2,000 or 3,000 acres. There the Hudson Bay Company have a considerable settlement, and a farm under cultivation, producing from 3,000 to 4,000 bushels of different grains, with which many of their other forts are supplied. On Clark's river the company have another fort, called Flat Head House, situated in a rich and beautiful country spreading westward to the basis of the Rocky Mountains. On the Flatbow, also, the Company have a fort named Fort Koolamie.

From Fort Colville the Columbia tends westward for about sixty miles, and then receives the Spokane from the south. This river rises in the lake of the Pointed Heart, which lies in the bosom of extended plains of the same name. It pursues a northwesterly course for about 200 miles, and empties into the Columbia. Its valleys, according to Mr. Spalding, an American missionary, who surveyed it, may be extensively used as a grazing district, but its agricultural capabilities are limited. The chief features of this region, are like those of the upper country, through which we have already traced the Columbia and its tributaries, extensive forests of timber and wide sandy plains, intersected by bold and high mountains.

From the Spokane, the Columbia continues its westerly course for sixty miles, receiving several smaller streams, until it comes to the Okanagan, a river finding its source in a line of lakes to the north, and affording boat and canoe navigation to a considerable extent up its course. On

the east side of this river, and near its junction with the Columbia, the company have another station called Fort Okanagan. Though the country bordering on the Okanagan is generally worthless, this settlement is situated among a number of small, but rich and arable plains. After passing the Okanagan, the Columbia takes a southern turn, and runs in that direction, for 160 miles, to Wallawalla, receiving in its course the Piscons, the Okama, and Entgatecoom, from the west, and, lastly, the Saptin, or Lewis river, from the south. From this point the part of the Columbia which we have traced, though obstructed by rapids, is navigable for canoes to the *Boat Encampment*, a distance of 500 miles to the north. The Saptin takes its rise in the Rocky Mountains, passes through the Blue, and reaches the Columbia, after having pursued a northwesterly direction for 520 miles. It brings a large volume of water to the latter stream, but in consequence of its extensive and numerous rapids, it is not navigable even for canoes, except in reaches. This circumstance is to be deplored, as its course is the line of route for the emigration from the States. It receives a large number of tributaries, of which the Kooskooski and Salmon are the chief. Our previous account of the arid and volcanic character of this region obviates the necessity of a further description here. There is a trading station near the Saptin, not far from the southern boundary line, called Fort Hale, and one also near its junction with the Columbia, called Fort Wallawalla. The Columbia at Wallawalla is 1,284 feet above the level of the sea, and about 3,500 feet wide. It now takes its last turn to the westward, pursuing a rapid course of 80 miles to the Cascades, and receiving the Umatilla, Quesnels, John Day's, and Chute rivers from the south, and Cathlatates from the north. At the Cascades the navigation of the river is again obstruct-

ed by rapids; after passing these, it is navigable for 120 miles to the ocean. The only other great independent river in the territory is the Tacoutche, or Fraser's river. It takes its rise in the Rocky mountains, near the source of Canoe river; thence it takes a northwesterly course for 80 miles, when it makes a turn southward, receiving Stewart's river. The Tacoutche pursues a southerly course, until it reaches latitude 49° , where it breaks through the Cascade range in a succession of falls and rapids, then turns to the west, and after a course of 70 miles more, empties into the Gulf of Georgia, on the Straits of Fuca, in latitude $47^{\circ} 07'$. Its whole length is 350 miles, but it is only navigable for 70 miles from its mouth by vessels drawing 12 feet water. It has three trading-posts upon it belonging to the company—Fort Langley, at its mouth, Fort Alexandria at the junction of a small stream a few miles south of Quesnel's river, and another at the junction of Stewart's river. The country drained by this river is poor, and generally unfit for cultivation. The climate is extreme in its variation of heat and cold; and in the fall months dense fogs prevail, which bar every object from the eye beyond the distance of a hundred yards.

The chief features of the section are extensive forests, transverse ranges of low countries, and vast tracts of marshes and lakes, formed by the streams descending from the surrounding heights. The character of the great rivers is peculiar—rapid and sunken much below the country, with perpendicular banks. They run, as it were, in trenches, which makes it extremely difficult to get at the water in many places, owing to their steep, basaltic walls. They are at many points contracted by *dalles* in narrows, which, during the rise, back the water some distance, submerging islands and tracts of low prairie, and giving them the appearance of extensive lakes. The soil along

the river bottoms is generally alluvial, and would yield good crops were it not for the overflowings of the river, which check and kill the grain. Some of the finest portions of the land are thus unfitted for cultivation. They are generally covered with water before the banks are overflowed, in consequence of the quicksands that exist in them, and through which the water percolates. "The rise of the streams flowing from the Cascade Mountains takes place twice in the year, in February and November, and are produced by heavy and abundant rains. The rise of the Columbia takes place in May and June, and is attributable to the melting of the snows. Sometimes the swell of the latter is very sudden, if heavy rains should also fall at that period; but it is generally gradual, and reaches its greatest height from the 6th to the 15th of June. Its perpendicular rise is from 16 to 20 feet at Vancouver, where a line of embankment has been thrown up to protect the lower prairie; but it has been generally flooded during these visitations, and the crops often destroyed. The greatest rise of the Wallamette takes place in February, and sometimes ascending to the height of 20 feet, does considerable damage. Both of these rivers and the Cowelitz are much swollen by the backing of their waters during the height of the Columbia; all the lower grounds being at times submerged. This puts an effectual bar to the border prairies being used for any thing but pasturage. This, happily, is fine throughout the year, except in the season of floods, when the cattle have to be driven to the high grounds. It is almost impossible at the present time to form a correct estimate of the population of the Oregon territory; the number has been often reckoned, but with no degree of certainty. Lieutenant Wilkes supposes that there are about 20,000, of whom 19,000 are aborigines and the remainder whites. This calculation was

made, however, several years ago, while, during the interval, the tide of emigration has been constantly increasing.

We can now safely set down the whole population as numbering from twenty-two to twenty-five thousand. We do not include in this number the serfs and Sandwich Islanders, who are scattered about in different parts of the territory. The number of aboriginal inhabitants can hardly be ascertained with any accuracy; for in fishing seasons they move about from place to place, and sometimes remain permanently wherever they can find the best land and location. The number of Indians in this territory, as is already known, are very great. We shall here introduce a tabular statement, prepared by Mr. Crawford, for the use of Congress.

Indians west of the Rocky mountains, in the Oregon district, and their numbers.

Nes Perces	-	-	Cutlashoots	-	-	430
Ponderas	-	-	Willenohs	-	-	1,000
Flatheads	-	-	Smacsops	-	-	200
Cour D'Alene	-	-	Echebools	-	-	1,000
Shosones	-	-	Eivesteurs	-	-	1,200
Callapooahs	-	-	Chamoappans	-	-	400
Umbaquahs	-	-	Lekulks	-	-	3,000
Kiguel	-	-	Chunnapuns	-	-	2,000
Spokens	-	-	Shallatolos	-	-	200
Oknanagans	-	-	Spearmaros	-	-	240
Cootormies	-	-	Saddals	-	-	400
Chilts	-	-	Wallawallahs	-	-	2,600
Chenooks	-	-	Chopunmohees	-	-	3,000
Snakes	-	-	Pohahs	-	-	1,000
Cuthlamuhs	-	-	Chillo Kittequaws	-	-	2,400
Wahkenkumes	-	-	Wahupums	-	-	1,000
Skillutts	-	-	Clackarnurs	-	-	1,800
Whole number	-	-	-	-	-	29,570

The Indians generally on the main land are kind and friendly. The most warlike are those which live in the islands of the north. They are, however, rapidly passing away before the advancing destiny of a superior race; and soon but few will be left of the many thousands who once happily lived. In the Wallamette valley, their favorite country, where they hunted and fished, and had their dances, there are but a few remnants left, and they are dispirited and broken-hearted. On the Columbia river, near its mouth, a small number of them live, and also about the Cascades and the Dalles large parties of them may be found. Their situations, as we have before said, are much to be deplored. Their inexhaustible resources have been taken from them, their bows are unstrung, and from "lords of the soil," they have sunk to the degradation of its slaves. A portion of the independence of the Kinses and Nes Perces is still maintained. Many of them have advanced rapidly in civilization; and, no doubt, would adapt themselves to a methodical system of life, were not the first lessons of the science an exaction of their labors for the benefit of others. At the present, they can only be regarded in the light of a servile population, which, in the existing dearth of labor, is rendered of vast service to the active settler. The missionaries exert a very strong influence over the Indians, particularly within the last few years, since the Territory has begun to be christianized. Not a great deal, we are told, has been done towards christianizing, the natives being principally engaged in cultivating the mission farms, and in the increase of their own flocks and herds. "As far as my personal observation went, says a writer, there are very few Indians to engage their attention, and they seemed more occupied with the settlement of the country and agricultural pursuits than in missionary labors." We need not despair, however, of reclaiming this

whole territory, looking to the rapid progression of good morals and habits. The settlers in the neighborhood of the Wallamette are becoming prudent and correct, and many of them regular in the discharge of their religious and worldly duties.

It appears that on a certain occasion, when the Oregon question was being discussed in the House of Lords, before a large and intelligent audience, Lord Ashburton had in his pocket "*Mitchell's map*" of 1783, which was taken from the library of George the Third, without his knowledge or consent. This map, strange to say, though prepared by a British subject, and accurately too, as was afterwards affirmed throughout England by men of sound sense and clear judgment, gives to the United States undisputed possession, and establishes beyond doubt its right and title, and denying to Great Britain the possession of one "foot of the territory." The following is an extract of a speech delivered by Sir Robert Peel, in the House of Commons, on the 28th of March, 1843 :

"But there is still another map. Here, in this country, in the library of the late King, was deposited a map, by Mitchell, of the date of 1753. That map was in the possession of the late King, and was also in possession of the noble lord; but he did not communicate its contents to Mr. Webster. [Hear, hear.] It is marked by a broad red line; and on that line is written 'boundary as described by our negotiator, Mr. Oswald;' and that line follows the claim of the United States. [Hear, hear.] That map was on an extended scale. It was in possession of the late King, who was particularly curious in relation to geographical inquiries. On that map, I repeat, is placed the boundary line—that claimed by the United States—and on four different places of that line, 'boundary, as described by our negotiator, Mr. Oswald.'"

About this time the question was eliciting profound interest, and Lord Brougham, who delivered some time after a great and elaborate speech, characterized by close study and careful examination, held the idea up to scorn and

ridicule, contending that Lord Ashburton was bound to show this map to Mr. Webster. His lordship was of opinion that the handwriting on the face of the map, describing the American and not the British claim, "is the handwriting of George III himself," Mr. Oswald knowing nothing of it at all. After stating that the library of George III, by the munificence of George IV, was given to the British Museum, he says: "This map must have been there; but it is a curious circumstance that it is not there now. [Laughter.] I suppose it must have been taken out of the British Museum, for the purpose of being sent over to my noble friend in America, [hear, hear, and laughter;] and which, according to the new doctrines of diplomacy, he was bound to have taken over with him, to show that he had no case—that he had not a leg to stand upon. And again. But, somehow or other, that map, which entirely destroys our contentions, and gives all to the Americans, has been removed from the British Museum, and is now to be found at the Foreign Office." Sir Robert Peel evidently, with his accustomed acuteness, avoids the truth of the story, attributing the fact of the King's having the map to the interest felt by him respecting the geographical condition of the country. It would be a little strange, the King desiring an accurate boundary, and exerting every effort to obtain one, should Mr. Oswald have furnished him with a false view, suited to his own notions, and in non-conformity with glaring facts. Justly has Lord Brougham declared, "that if this map had been produced, the British Government would not have had one leg to stand upon." There would have been an open and avowed acknowledgment made of the strength of our claims, by a great and prominent man of the Opposition, which would have put at rest at once all further difficulty. What did Lord Ashburton say, in reference to the British title,

during the negotiation? Did he suppress the fact that Mitchell's map had actually appeared, which had rendered null the right of his own country? He expressed his decided friendship for the United States; that he had exerted every effort in his power to avert the late war, which no one can deny, and which attaches very great credit to him; but, after all, he declares, with Mitchell's map in his pocket, in a letter written to Mr. Webster on the 21st of June, 1842, as follows:

"I will only here add the most solemn assurance, which I would not lightly make, that, after a long and careful examination of all the arguments and inferences, direct and circumstantial, bearing on the whole of this truly difficult question, it is my settled conviction, that it was the intention of the parties to the treaty of peace of 1783, however imperfectly those intentions may have been executed, to leave to Great Britain, by their description of boundaries, the whole of the waters of the river St. John." (Page 40.) It cannot be denied for a moment, after the facts that have been adduced, which are recorded in the public archives, and credited by all impartial men, that this "boundary line" was clearly established in the mind of the King. And surely it would never have been introduced into Parliament had no importance been attached to it.

CHAP. VII.

Shall Oregon be surrendered to Great Britain ?

We take it for granted that this question need not be asked, as it implies a doubt in the minds of the American people of the justice and propriety of extending our jurisdiction and laws over the territory of Oregon. Of the validity of our title, as far as its legality is concerned, the fairness of the demand, and of the honorable motives that prompt our demand, we have never had a doubt.

For all the purposes of settlement and commercial enterprise this territory opens an invaluable field. Hence it is that so many powers at one time set forth their claims. Many arguments have been brought forward by each party, some of them spirited and ingenious, in the support of their rights, but we regard them as too flimsy to deserve notice. Should they be obscure and inconclusive, the aspect of the case would not be changed in the least. We have been careful in introducing plain legal principles, strictly authorized by the law of nations; and if they are ineffectual in bringing about correct conclusions, it is very certain that collateral views and arguments can avail nothing. The proposition made on the American side for the settlement and final adjustment of this question was, that the line of the 49th parallel, the boundary on this side of the mountains, should be continued to the Pacific; and on the British side, that the line should be continued only to the head-waters of the Oregon river, and thence down that river to the sea, the stream being the boundary, and to continue forever common to the two nations.

From what we can learn, these were the terms proposed in the late negotiation. If other plans were suggested, we have not as yet been apprised of them. Our opinion on

the subject is fixed and unalterable; that our claims are just and founded on law, as contained in Vattel, Puffendorff, and other writers on international law, and should be so regarded by every nation on the globe, we can never doubt. And we cannot help believing, after taking no little interest in the subject, through all its stages to the present time, that we speak the opinion of a large majority of the intelligent portion of the American people when we say, that the 49th parallel is a reasonable, fair, and proper compromise, and the southernmost limit which should be agreed upon by the United States. Great caution and prudence should be observed on committing this question for settlement to any individual or set of individuals. Look to what it involves, the interest which it has very naturally and properly excited, not only in America and the neighboring countries, but, in truth, in the most remote regions. It should be entrusted to the arbitrament of no European sovereign; indeed, to no one whose patriotism and ability have not been fairly and fully tested. We have spoken boldly and openly, affirming our unquestionable right to a certain portion of this territory, adduced arguments, facts, and data in maintenance of the position assumed; and it is now our duty to submit to no compromise—to no half-way and indefinite agreement—to listen to no threats, however violent or authoritative they may be, or from whatever source they may come; and under no circumstances to recede *one-hundredth part of an inch* from the 49th parallel. By this line the territory would be divided into two separate divisions: one boundary would be carried in almost a straight line from the Lake of the Woods to the South Sea, and we would be thus possessed of what we most want, the safe and excellent harbors in the neighborhood of Fuca Straits, and the almost entire control of the Columbia river. As

far as the coast is concerned, what more do we want than this? We have all its advantages—all that can be had. This is probably one of the most valuable portions of the whole country west of the Rocky Mountains—inexhaustible in its soil, admirably adapted to fishing and hunting, and valuable in location. But suppose that this arrangement would not satisfy us—that the body of the American people positively and sternly objected, demanding the whole territory, from the Mississippi to the Pacific Ocean. A demand like this, in view of the different cessions and treaties, and after the avowed and tacit acknowledgments made by our ministers and Secretaries, giving to Great Britain at one time the right of joint occupancy, and at another extending the privilege of navigation into the interior of the country, would be a gross violation of the national honor, a slur upon our honesty, which would be visited upon the latest of our posterity, and worthy of the prompt resistance of Great Britain. The good old maxim, that “what is right can never be made wrong,” holds good with nations as well as with individuals. The concessions that have been made by our Government have been all entered of record; they face the world; and no change of circumstances, no step, can destroy their force or effect. We should not close the door to negotiation; this would be an anomaly in the history of nations; but we should endeavor, by peaceable means, to persuade England, introducing plain and fixed facts, that our claims are *true*; and that we are determined, at all hazards and at all costs, to maintain our ground. If the Government owes any duty to its subjects, it is to afford them protection in their rights, on the same principle that it is the duty of a father to protect and take care of his son. The only way to accomplish this laudable end is to establish courts, and the same legal procedure adopted that is practised here.

We trust that there is a probability of a peaceable settlement of this question between the two nations. And we recommend, not hastily and without due consideration, the propriety of doing away with the treaty provided by the conventions of 1818 and 1827, as they might break off and put an end to negotiation. But we are clearly of opinion that, after a reasonable time, if nothing is done to establish a territorial government, or suitable means taken for the protection of our settlers, that we should send out our men, build our cities, establish our trading-houses, and, if necessary, meet the British on the tented field. Should it ever be the misfortune of the American people to witness that day, (which may God in his providence avert,) the gloom, treasure, and bloodshed which it would cost are beyond the calculation of the human imagination. Twenty millions of freemen engaged in war with a foreign power, greater in population, greater in naval advantages, superior in a knowledge of military tactics, and better skilled in maritime warfare, would present a scene of confusion never before witnessed in the annals of unfortunate Europe. No one has any adequate conception of a conflict with so powerful a Government. At first, all admit, that the loss suffered by our country would be immense—the loss of life and the loss of property—wives would be made widows and sons orphans, by a catastrophe so much to be dreaded. Excitement and consternation would reign in every part of this wide land. All would rush forward to the battlefield—none would stay at home when their country's honor was at stake, fired by an ambition to see her rise, phoenix-like, from the ashes, with her stars and stripes victorious. No consideration, no sacrifice of self-interest, would stay the brave American when he heard the cannon's roar on the Atlantic coast, and knew that America's independence was at stake. It appears, indeed, a weakness of re-

publican Governments not to prepare for coming exigencies. We know that each State is sovereign, and has its organized bodies, which can be rallied at a very short notice. They have their volunteer and militia companies, that can be gathered together at one point in a very few hours. We know that our towns and cities are well blockaded and fortified; but what is the comparative condition of our navy? How does it compare with the ships of war whitening every sea that belongs to Great Britain? Look to her present situation, her military advantages. Look to her vast disposable force in readiness at any time. Look to the men of war surrounding every little island and peninsula that belongs to her. For the first eighteen months or two years her blows would fall upon us fast and thick, and the injuries sustained by our Government probably greater than could be repaired in half a century. But who knows how this even would end? There would be an emancipation of the American mind from British influence. The creeds, policy, sentiments, and manners of that people would be confined to those dominions upon which, they say, the sun never sets. That day would be gladly hailed when the American citizen would be no longer insulted with the base charge of favoring the interests of the British Government, and applauding their laws and institutions. We should have the proud consolation of knowing, which would be dwelt upon with feelings of pride and honor centuries hence, that there was an era which blended in harmonious union party schisms and jealousies, cutting asunder the secret tie that bound America with Britain, and dispelling all fear of national treachery and national abuse. With our circle of free States, with their republican constitutions and wholesome laws, and the inestimable and valuable principle of self-government, one of the constituent parts of our *compact*, would be held

out to the returning patriot, under which he might take shelter with safety. That excessive admiration of British history, and the remnants of colonial ideas, which half a century of independence and two bloody wars, one of them long and eventful, have not been sufficient to eradicate, would be done away with. Our history is a very remarkable one for its noble bearing and patriotic scenes; but it has run far ahead of our opinions, and is not sufficiently appreciated. With a Government of our own, framed by our fathers, republican in its spirit and tone, we should be satisfied to preserve all the privileges handed down to us, so as to transmit them to those who are to succeed us. Another beneficial result would be, the purification of our political atmosphere. "The cankers of a calm world and long peace" are no fiction. Politics become a trade; and our first-rate men are betrayed into the ways of cunning and dishonesty, losing respect for themselves and their country, and stooping to the lowest means to accomplish the lowest ends. A collision would bring the ablest and best men uppermost. The native and moral strength of the people would be fairly and fully tested; and perhaps those very ones whom we now suppose would defend the country to the last moment of their lives, would be found wanting when the time came to "try their souls;" while another Washington, with an intrepid spirit and an undaunted brow, might step forth from the shades of obscurity, and win for himself the praise of his countrymen, and the gratitude of the latest generations.

If we are involved in war, now is the time to make suitable preparation. We find in the early messages of Gen. Washington to Congress he dwelt particularly upon the importance of maintaining the country in an attitude of defence as the most effectual method of averting the calamities of war. He says, "that the citizens constitute

the depository of the force of the republic, and may be trained to a degree of efficiency equal to any military exigency." Again: we are told, by Mr. Poinsett, chairman of the Committee on Military Affairs, 26th Congress, 2d session, Senate document No. 118, "but, in order to provide the means of a proper training, and to secure this degree of efficiency in newly formed forces, it is a material feature in the plan of organization *to afford an opportunity to acquire, in time of peace, a knowledge of the more difficult and scientific branches of the military.* Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will evince, that the art of war is at once comprehensive and complicated, but it demands much previous study, and that the possession of it, in its improved state, is always of great moment to the security of the nation." It cannot be denied that it is the duty of all Governments that wish to preserve friendly relations with foreign powers to preserve a military body, cost what it may, who, from their attainments and knowledge, are ready at any time to respond to the call of their country. We do not advocate the propriety of a standing army; far from it. The expense and evils incident to a standing army should be avoided, while a strict military force, well disciplined and organized, should be preserved at the expense of the General Government. In other words, we must cultivate in time of peace a knowledge of military science, and an acquaintance with the more scientific branches of the military art, forming, when occasion shall require, the main body of the army, from persons ordinarily engaged in civil occupations. We have, it is true, what may be called, in one sense, a standing army. Each State has its militia; and those officers who are appointed to command are required by law, under a penalty, to see that they appear on

certain occasions to pass through military exercises. We have an "organization" purely of a civil character, including four distinct arms—infantry, cavalry, artillery, and engineers, each having distinct duties, but all combining to form one and the same military body. It is very necessary that our legislative bodies should bestow on this subject that attention which its importance demands. It is not always when in possession of a thing that we are most likely to appreciate its utility; the evils and inconveniencies resulting from a want of it, not unfrequently act most powerfully with its importance, and the advantages to be derived from its possession.

We beg leave to cite a few remarks drawn from military history. There is no occasion for going back to the disastrous passage of the Vistula by Charles XII, the failure of Marlborough to pass the Dyle and Eugene, and to cross the Adda in 1705, nor of the three unsuccessful attempts of Charles of Lorraine to cross the Rhine in 1743. Take the French revolution, from its commencement to its close, and we find strict military discipline indispensably necessary in time of peace. It is true that the policy of our rulers is to economise the public money in time of peace, and to preserve the lives of our citizens and the national flag in time of war; but let this matter be passed over in silence, and the future historian will say of us, as Napier has said of the English: "The best officers and finest soldiers were obliged to sacrifice themselves in a lamentable manner to compensate for the negligence and incapacity of a Government always ready to plunge the nation into a war without the slightest care of what was necessary to obtain success. Their sieges were but a succession of butcheries, because the commonest materials, and the means necessary to their art, were denied the engineers."

But we wish it distinctly understood that we are opposed to war when it can be possibly avoided. Its evils and calamities are familiar to all; and the history of countries, that are known only in "poetry and song," teaches the instructive lesson "that slight causes often lead to disastrous results." We deprecate it as one of the most fearful and distressing curses, (for such it has been regarded by the ablest historians,) that ever befel any country at any time or in any age.

We cannot permit the celebrated and excellent report of Captain Fremont to pass unnoticed. The circumstances attending the expedition, its progress, and final consummation, together with the indomitable and unflinching spirit and zeal that was evinced by him and his companions during their long and eventful expedition, justly entitle them to the admiration and respect of the American people. It was a noble enterprise, one to try the firmness and courage of man, and much to be wondered at in its results. Few, very few, would have undertaken a military examination of the country from the Mississippi to the Pacific Ocean—a work so fearful and hazardous. His account is now published to the world, which is so accurate in its details, that a statesman may judge correctly of the value of the country, and a farmer tell where he can settle to most advantage. An unexplored land lie stretched out before them, its history unknown, and its soil untrodden, save by the foot of the red man. What firmness and confidence was necessary to strengthen them in their slow and uncertain march! The prospect, how dreary! Their lives how uncertain! Yet all this vanished, like a mist, before their resolute determination to brave all perils, endure every hardship, and secure the hard-earned bequest. Day after day, for hundreds of miles, they beheld mountain piled upon mountain, "Ossa upon Pelion," with their cold and icy sum-

mits, uninhabited and uncheered even by the fires of the settler. They travelled with "unweary footstep" sixteen hundred miles to the South Pass; from the mouth of the Platte to the same Pass, about one thousand more; and another sixteen hundred miles from that Pass to the tide water of the river Oregon; in all about *four thousand miles*. Their fears at night would be often greatly excited by the shrill war-hoop of the savage, and the fierce roar of wild beasts. But throughout they quietly trusted to Divine Providence, and would sleep as sweetly, after a rough journey of twenty miles over mountains and rocks, as the daily laborer in a christianized and enlightened land. While the guard surrounded the camp, all was stillness within, but they took care never to go to rest unless they were prepared at a moment's warning for an attack, placing their rifles and ammunition at their heads. This was very important; for had they been attacked at all by the Indians, it would have been at night, when every thing was still. The idea of a military expedition from the Mississippi river to Oregon, prior to its consummation, was believed by many to be impossible, and even ridiculed by intelligent men. The scheme was considered visionary and absurd, and the privations and troubles incident to so long a trip were regarded as more than human nature could bear. It was thought that the cold would be so intense, and the dews so heavy, that persons acclimated here could not live; but these impressions have been entirely removed by the facts published by Capt. Fremont in his narrative. The distance from the frontier of the Missouri to the tide-water in Oregon is about *two thousand miles*. The mountains are easily passed; the whole way being practicable, even in a state of nature, for horses, carriages, and artillery; and as for the Indians, twenty-four men with rifles may move in safety in spite of the hostility of any tribe. Their instruments of warfare,

as all know, are the bow and arrow, scalping-knives and spears, which, in open combat, can do but little damage in comparison with the rifle. They lay in ambush generally, and make a secret attack when it is least suspected. This is characteristic of the whole Indian race; and by this mode of warfare the lives of many have been lost, and serious damage committed. In the progress of their journey, however, they had but little use for their muskets, except for shooting game and exercising at a mark. We are told by Captain Fremont that this territory is "the most impregnable country in the world." With reference to defence, the British Government would have been very careful in considering this important fact, and to have prevailed on the Hudson Bay Company to do for them in Oregon what the East India Company have done for them in Asia. We find that Captain Fremont introduces the comparatively insignificant article of grass. It will surprise those not acquainted with the character of the soil to learn, that there is a species of grass that grows in all directions in great profusion, which is equal in luxuriance and nutrition to our best hay. During his entire journey he had no occasion to use for his cattle any other food. They were extremely fond of it; and though travelling twenty or thirty miles per day, it was equal in its green state to our best hay when cured and dried. It is found in the mountains and low lands, and even grows on the mountain ridges at an elevation of ten thousand feet. All the wild animals feed upon it—the elk, deer, and buffalo—and use it in preference to any other provender. There is another grass that is very abundant; possessing the very remarkable property of a *second growth*; appearing in the fall of the year as luxuriant as in the spring, after the entire destruction of the first crop. It is very plen-

tiful on the western slopes, and is fit, in all respects, to feed horses and cattle in the depth of winter.

In the months of December and January, when the grass is entirely destroyed by the snow and frosts, this grass may be found growing in the *Sierra Nevada*, Snowy Mountains of California, where the snow has disappeared from the heat of the sun. It may be found also in great abundance in the Desert of the Lower California. Wherever there is water to be found it appears in large clusters, and may be very easily cut or pulled from the roots. Permitting it to dry, it has, if any thing, an injurious tendency. It loses its sweetness and flavor in a great measure, and is not eaten by cattle with half the readiness as when in its green state. In all expeditions *subsistence* is one of the principal *clogs*. There is always a difficulty in procuring necessaries; hence it is that we hear so often of starvation and other calamities. It is very hard at all times to provide the necessary food, and if provided, to keep it in a proper state while travelling. Horses very generally suffer; but the grass spoken of before was found by Captain Fremont to answer all purposes. He seems to have paid particular attention to the study of the *sciences*. His mind and instruments were never at rest from the time he commenced his travels until they were ended. Geography, geology, botany, meteorology, each seem to have claimed an equal portion of his time. The geographical discoveries made by him are entirely new, and afford the most valuable and interesting information to those taking an interest in the subject. From the frontiers of Missouri to the Rocky Mountains, the line of the Kansas and Great Platte is represented, by the most impartial and minute examination, to be arable and inhabitable. This particular portion of the territory has been often spoken of, and frequently misrepresented. It has

been said by the ignorant and unknowing, that the land is barren and worthless, not worth the labor necessary for its cultivation, being fit not even for grazing ; when, in truth, it is extremely fertile, and covered with a fine, rich, luxurious growth.

The Rocky Mountains are represented as being desolate and impassable. It appears that Captain Fremont passed it at five different places, not selected either as the most accessible. And we are told that there are many excellent passes, of which the South pass is the best ; and that it embosoms beautiful vallies and parks, with lakes and springs, rivalling and surpassing the most enchanting points of the Alpine region in Switzerland. One of the most remarkable curiosities in the territory, that has attracted great attention, is the "*Great Salt Lake.*" It is probably without a rival in the world, being a solution of salt, of one hundred miles in diameter. It is most graphically described by Captain Fremont, and also the Bear River Valley, with its rich bottoms, fine grass, walled-up mountains, hot and mineral springs, soda fountains, volcanic rocks, and volcanic springs. There is another very great curiosity, which is worthy of attention. "The Boiling Spring," the water of which has a very peculiar and disagreeable taste, is hot enough to boil an egg, and finds its way from three different openings, all within a short distance of each other. It takes its source at the head of a small valley, near a very high range of rocks, covered with basaltic rock, and the neighboring plains are covered with round rock. This spring forms quite a large branch, which broadens and deepens as it advances. The water is quite clear, and rolls off smoking and foaming. The country around presents a beautiful appearance ; and in consequence of the warmth of the spring, the trees and grass wear a green appearance from one year's end to the other,

there being neither frosts, nor snows, nor chilling winds. It is at page 196 of Captain Fremont's report that he states his determination to pass through a new region of country on his return to the United States. It is very interesting; so much so, that we give it in his own words:

"The camp was now occupied in making the necessary preparations for our homeward journey, which, though homeward, contemplated a new route and a great circuit to the south and southeast, and the exploration of the Great Basin between the Rocky Mountains and the Sierra Nevada. Three principal objects were indicated, by report or by maps, as being on this route, the character or existence of which I wished to ascertain, and which I assumed as landmarks, or leading points, on the projected line of return. The first of these points was the *Tlamath* lake, on the table land between the head of Fall river, which comes to the Columbia, and the Sacramento, which goes to the bay of San Francisco; and from which lake a river of the same name makes its way westwardly direct to the ocean. This lake and river are often called *Klamet*, but I have chosen to write its name according to the Indian pronunciation. The position of this lake, on the line of inland communication between Oregon and California, its proximity to the demarcation boundary of latitude 42°, its imputed double character of lake or meadow, according to the season of the year, and the hostile or warlike character attributed to the Indians about it, all made it a desirable object to visit and examine. From this lake our course was intended to be about southeast, to a reported lake, called Mary, at some days' journey in the Great Basin; and thence, still on southeast, to the reputed *Buenaventura* river, which has had a place in so many maps, and countenanced the belief of the existence of a great river flowing from the Rocky Mountains to the bay of San Francis-

co. From the Buenaventura the next point was intended to be in that section of the Rocky Mountains which includes the heads of Arkansas river and of the opposite waters of the Californian gulf, and thence down the Arkansas to Bent's fort, and home. This was our projected line of return—a great part of it absolutely new to geographical, botanical, and geological science—and the subject of reports in relation to lakes, rivers, deserts and savages hardly above the condition of mere wild animals, which inflamed desire to know what this *terra incognita* really contained. It was a serious enterprise, at the commencement of winter, to undertake the traverse of such a region, and with a party consisting only of twenty-five persons, and they of many nations—American, French, German, Canadian, Indian, and colored—and most of them young, several being under twenty-one years of age. All knew that a strange country was to be explored, and dangers and hardships to be encountered, but no one blenched at the prospect. On the contrary, courage and confidence animated the whole party. Cheerfulness, readiness, subordination, prompt obedience, characterized all; nor did any extremity of peril and privation, to which we were afterwards exposed, ever belie, or derogate from, the fine spirit of this brave and generous commencement. The course of the narrative will show at what point, and for what reasons, we were prevented from the complete execution of this plan, after having made considerable progress upon it, and how we were forced by desert plains and mountain ranges, and deep snows, far to the south, and near to the Pacific Ocean, and along the western base of the Sierra Nevada, where, indeed, a new and ample field of exploration opened itself before us. For the present, we must follow the narrative, which will first lead us south, along the valley of Fall river, and the eastern base of

the Cascade range, to the Tlamath lake, from which, or its margin, three rivers go in three directions—one west, to the Ocean; another north, to the Columbia; the third south, to California.”

Captain Fremont makes particular mention of the Sierra Nevada and San Joaquin rivers, which belong to the Bay of St. Francisco. The Great Desert comes in very justly for a portion of his attention; and the inhabitants east of the Rocky Mountains are a most remarkable people. Their manners and customs are entirely peculiar to themselves, and they live together in great peace and fellowship. Whenever there is a difficulty, the whole tribe, or family, is disturbed, and never rest satisfied until peace and good feeling is restored. This is a most fortunate characteristic, inasmuch as they carry on their respective pursuits without conflicting in the least with each other, and the property claimed by one is shared by all. Their intercourse is friendly in the extreme, and nothing like jealousy or malice exists, which so often disturbs in civilized countries the social and business relations of man and man. When a death occurs, the sorrow that pervades the whole race is manifest, and, for days and weeks, that respect is paid to the memory of the departed rarely witnessed in the most refined and enlightened countries. Their burials are conducted with great solemnity—hundreds follow the corpse to the grave—and when the body is deposited, there is one burst of deep and true sorrow. This grief lasts for a long time, and large parties frequently meet to pay homage to the memory of the dead. There is one statement made by Captain Fremont, respecting which all contemporary writers have erred. On all the maps of Oregon the celebrated Buenaventura river is mentioned as running from the Rocky Mountains to the sea. It has been spoken of by many as a river of some importance, abounding in the

finest fish and beautiful shells; the banks of which are covered with rich and luxuriant verdure, the offspring of fertile soil. Captain Fremont says, "there is no such river in existence. How could there be? Here the mountains of Sierra Nevada afford an insuperable barrier. It would be impossible for a river to pass them in either direction." Captain Fremont became deeply interested in the study of botany. A wide and unexplored field was presented for his investigation. Plants of every color, size, and description appeared every day. In the highlands and lowlands, in the marshes and flats, as well as on the steepest summits, he saw rare objects for his examination. Not an hour passed that he did not make some new and interesting discovery. This branch of study being very familiar to him, he pursued it with great zeal and pleasure, and has had the good fortune to accumulate a rare and beautiful collection, not surpassed, or probably equalled, in this country. He was somewhat discouraged, however, in the undertaking, from the loss of a "*mule load*," in the Sierra Nevada. The poor mule was lost, and all his load, to the regret of the whole party. He had been a faithful traveller, and performed his daily task as well as any of his associates. However, Captain Fremont has succeeded in bringing home from this splendid and vast botanical field a number of rich and valuable specimens, which we hear are left to the professional science of Dr. Torrey, of Princeton, whose reputation as a man of erudition and scientific attainments, are well known to the world. He has consented to classify them in their order. This has since been done, and his pamphlet on the subject, so emblematical of the proficiency of the man, is sought and read with great pleasure and interest by the friends and lovers of botany. Many of the rarest specimens have been presented to the General Government, which are deposit-

ed at the Patent Office in Washington, probably the most valuable museum in this country.

Geology, also, claimed no little of Captain Fremont's time. He sought every occasion to examine the surface of the earth, its composition and ingredients; and by his great diligence and industry, he ascertained the sizes and shapes of many bluffs, in different latitudes, examined closely the rivers and river banks, and the sides and gorges of mountains. He has been subjected to great trouble and labor in classifying and arranging the different rocks and fossils, and in finding out their properties. He brought in with him a very rare specimen of "*fossiliferous rock*," having an *oolitic* structure, a part of the Great Basin, and found in the *Great Salt Lake*, that will attract the attention of learned men, both here and in Europe, for a long time. This specimen, together with a number of others, no less rare than beautiful, are referred to Dr. Hale, of New York, and Professor Bailey of West Point, both of whom are well known by reputation in all parts of the country. During the whole of Captain Fremont's expedition, his mind was actively and profitably employed in acquiring important knowledge. And what is the result? There can be but one opinion respecting the importance of his travels to the American nation. He has explored and examined closely a vast region of country before unknown, save in the records of conjecture and fiction, and opened the way to emigration by pointing out correctly the characteristics of its soil, climate, and geographical and relative position. He has pointed the poor classes of our country, the industrious and worthy, to this garden spot of our continent, and drawn a truthful picture of its capacity for trade, commerce, and agriculture. This great country, stretching out to the Rocky Mountains, and still further to the Pacific Ocean, with its naviga-

ble waters, smiling valleys, and countless resources, together with its fine rivers and inexhaustible mines, has been presented in characters "of living light" to the needy and distressed in America. A party of a few, say thirty, men, with their horses and carts, and a few farming utensils, and with good rifles and gunpowder, could, at a very trifling expense, locate themselves in the most favored parts of this territory. What is it that prevents those from emigrating whose prospects for acquiring wealth, or even a subsistence, are gloomy here? And what is it that prevents the hardy backwoodsmen, trained to perils and hardships, and who are capable of enduring the severest fatigue, who have frequently to find their daily food before they eat it, the earth for their bed, and a few bushes and a blanket their shelter from "the peltings of the pitiless storm?" We say, what is it that keeps them here? Is it the hope of future success? They cannot reasonably hope for that; their past history tells them so. Is it the hope that the sympathies of their fellow-man will be excited, and that they will protect and take care of them in their extremity? They cannot expect that; the past has a voice there also. They have, therefore, to content themselves, if *there be contentment*, with what they possess, and that is neither "this world's goods" nor the hope of better times. We have crowded upon us, asking for daily employment, men of all nations, Scotch, French, English, German, and Irish, all hardy laborers, who would enjoy health and happiness in Oregon. That place is the field for their labors. There they would get employment. And soon, with ordinary economy, they would accumulate enough to take care of them the balance of their lives. What inducements are held out! What a stimulant to the young and adventurous just setting out on the journey of life! A country which, for aught we know, is destined to be the seat of

empire, population, and wealth, upon whose hills may rise populous marts, and along whose valleys may roll the hum of commercial enterprise. During the long and perilous expedition of Captain Fremont, the thermometer was in constant use, to ascertain the degrees of heat and cold. "At the different places of encampment we found it," says he, "a most valuable and important instrument, giving the degrees of temperature at all the different stopping places." The *barometer* was also in constant use, being applied to tell the elevation above the sea of all the different places and villages. "The nights were often exceedingly cold, so as to prevent the use of the telescope; however, whenever an opportunity was offered, we always availed ourselves of it." Every day the weather is noted; and we are told by a distinguished writer "that an almanac for the Rocky Mountains, Oregon, and California might be constructed from a perusal of this report—wind, rain, storm, sunshine, ice, hail, and snow, are all carefully noted." The expedition at last terminated from the Mississippi to the Pacific. The expedition of 1842 carried it to the South Pass of the Rocky Mountains; that of 1843 carried it to the Lower Columbia. The great work was now finished, three or four thousand miles of country travelled over, and the explorers returned to the land of their home and birth, after one of the most remarkable performances—remarkable in all that relates to it—which has ever been undertaken in this or in any other country. The whole history is replete with interesting incidents and valuable information. The journey, most of it, was tedious and dangerous, through rivers and mountain brakes, rugged steeps and broken vallies, and deserts and mountains and savage tribes of Indians.

If the territory in dispute were worthless, it would not be surprising if the United States felt no interest on the subject; but it is *far from being worthless*. It commands

the Pacific Ocean, and is intimately connected with the commerce of that sea. Upon its shores the light of civilization is fast dawning, and we have every reason to believe that it is sure to become the seat of commercial strength. Half a century must, in the nature of things, make many changes. There our enlightened population will be, with their intelligence, honesty, and industry, carrying on an extensive and valuable trade with Australia, India, and China, and, we cannot help thinking, Japan. The power that would be concentrated near the mouth of the Columbia, so very contiguous to countries of vast wealth and trade, would be felt and appreciated every where. There would be an extension in all that concerns the march of greatness; and our onward strides would be greatly accelerated. Let us have it in our power to say that this subject was honorably and prudently negotiated. And, should war come, it will be gratifying to know, that every thing reasonable was done to avert it, while we would meet the issue with a firm reliance on the justice of our past course, and a full assurance of a liberal reward for our strict adherence to treaty stipulations and the common usages of nations.

Having omitted to make a statement of several important facts in another chapter, we take occasion to introduce them here, as it may be interesting to know them.

The discovery of Nootka Sound has been attributed to Captain Cook by several distinguished writers on this question, who insist that in 1778 he made the first voyage along the western coast. This is obviously a mistake; for his course was northward, and he passed the mouth of the Columbia, without notice, in a gloomy night. On the 15th of August, 1775, Haceta observed an opening in the coast, in latitude $46^{\circ} 17'$ from which issued a current so strong as to prevent him from entering. He was, howev-

er, thoroughly convinced of the existence of a river, to which he gave the name of Rio St. Roc, the first intimation that there was such a river as the Columbia. It is very certain that there was no Spanish settlement ever made north of Cape Mendocino, from the fact that the whole coast, for many degrees, was wild and uninhabitable; but had it been capable of improvement and fit for the habitations of settlers, the case would not have been altered. Discovery amounts to nothing, unless *there is an alleged intention of occupation*: for instance, the continent of America was discovered by the English, but who questioned the right of the French to settle? One part of this continent was occupied by the Spanish, but the French established themselves in Louisiana. When it is ascertained that there is an abandonment on the part of the discoverer, that they have no design to introduce their people and laws, any other country, "after a reasonable time," may take possession. The opportunity was given them, but as they did not avail themselves of it, there is a surrender of their claims, and any other power may step in. A "settlement" must be understood to mean "the establishment of the laws or government of the persons making the settlement, with the assent and authority of the nation to which they belong." Unless this authority is vested in them, their discoveries and occupations amount to nothing, and is so regarded by the laws of nations. His own government may afterwards recognise the settlement, "but unless it is so recognised it does not become a dependency of the nation of the settler."

After the discovery of the northwest coast by the Spanish, there was no Spanish settlement on it. There was an abandonment at the very time the English were at Nootka, and, consequently, they have a perfect right to establish their own settlements. Upon the intelligence of

the seizure of the vessels by Martinez, the British at once declared their determination to make settlements, and on the 5th of May, 1790, the Crown delivered a message to Parliament, complaining "that no satisfaction was made or offered for the acts of seizure, and that a direct claim was asserted by the Courts of Spain to the exclusive rights of sovereignty, navigation, and commerce, in the territories, coasts, and seas in that part of the world." Spain, without a moment's hesitation, affirmed in her reply, dated Aranjuez, June 4, 1790, signed by the Conde de Florida Blanca, that "although Spain may not have established tracts or colonies planted upon the coast or in the ports in dispute, it does not follow that such ports or coasts do not belong to her." At all events England so regarded it, and insisted that "English subjects had an indisputable right to the enjoyment of a free and uninterrupted navigation, commerce, and fishery, and to the possession of such establishments as they should form with the consent of the natives of the country, not *previously* occupied by any European nation." Spain now yielded, and took no farther step to secure the territory by occupation, and "there was no assertion of a right to occupy, in case occupation was taken by an European power." Afterwards, there was a convention between Great Britain and Spain, signed at the Escorial, October 28, 1790, which gave to both countries the privilege of navigation, and carrying on their fisheries on the coasts of the Pacific; and it was moreover agreed, "in all other parts of the northwestern coast of North America, or of the islands adjacent, situated to the north of the parts of the said coasts already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements, since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access." Here then was a clear

admission of the right of Great Britain to make settlements, and, of consequence, to introduce her customs and laws, which could not be revoked by war, not being the result of *favor or concession*. It is very certain that Captain Gray is entitled to great credit for his zeal and perseverance in attempting to discover the Columbia, as he was the first person, after Haceta, who placed it on his chart, "within one mile of its true position." It has been said that Vancouver's feelings towards Captain Gray were unfriendly, and that he did not attach proper credit to his discoveries. This cannot be so; for he makes the fullest acknowledgment of his superior services. As a proof of it, he retained the name of "Adam's Point" on his chart, and adopted that of Gray's ship, the "Columbia," as the name of the river. The account given by Broughton removes all doubt as to any intended misrepresentation on the part of Vancouver, and we hope all will read it who question his intentions. The following is a sketch from the log-book of the Columbia, which determines the point of controversy as to the discovery of the Columbia:

"It appears by the log-book of the 'Columbia,' that Gray crossed the bar of the river on the 11th of May, 1792. At one o'clock he anchored. At noon of the 14th he weighed anchor—at four o'clock he had sailed upwards of 12 or 15 miles, and at half past four o'clock the ship took ground, when she was backed off, and again anchored. On the 15th Gray dropped down the river, and the subsequent movements were to get the vessel out. On the 20th he got clear of the bar. The river he named the Columbia, and called one point of the entrance Adams's point, and the other Hancock's point.

"Captain Vancouver states (vol. ii, p. 53) that Broughton had with him a chart made by Gray—that he got to an inlet which he supposed the chart to represent, and passed Adams's point. After a minute description of it, he says, 'this bay terminated the researches of Mr. Gray, and to commemorate his discovery, it was named 'Gray's bay.' This certainly proves that there was no wish to avoid acknowledging Gray's merits. The inlet from the sea to the river runs about east and west,

and in the chart of Vancouver 'Gray's bay' is placed east of Adams's point, and far inland. On the 24th of October (1792) Broughton left the 'Chatham' in lat. $43^{\circ} 17'$, having brought it as far within the bay as he thought safe, and as far as he had reason to suppose the 'Columbia' had been brought.—(Vancouver, vol. ii, p. 56.) He then proceeded to survey in a boat, taking with him a week's provisions. He proceeded up the river until the 30th, and calculated the distance he went, and which he particularly describes, 'from what he considered to be the entrance of the river, to be 84, and from the 'Chatham' 100 miles.' That is, that the entrance of the river was 16 miles (upwards of five leagues) above where he left the 'Chatham,' and consequently above where Gray anchored. He therefore came to the conclusion that Gray did not see what he called and explained to be 'the entrance,' and this conclusion is sustained by the distance mentioned in Gray's own log-book."

It is very certain that before Gray entered the river the coast had been fully traced and examined. The possession of a river may be followed with important *inland* rights; but Gray neither discovered it, nor had authority to do so, had such discovery been made. He was in a private ship, having for his object the attainment of private ends, and was not empowered by this Government to settle. The sending out of an explorer by the President of the United States, without the concurrence of Congress, is illegal, and can avail nothing. The Constitution does not vest in him that power. It expressly says, in its first article, "that all legislative power is vested in Congress;" and when the President acts in opposition to this provision, it is assuming authority which is not delegated. By an act like this there can be no territory annexed, no legal acquisition by our Government. The executive and national legislature must co-operate, and without their co-operation there is a palpable violation of the Constitution. Not so with Great Britain; her laws and government widely differ from ours, and all power is vested in the "Crown." The sanction of Parlia-

ment is not needed to make or confirm a law. The declarations of the crown are valid, and cannot be reversed. The crown possesses absolute authority to extend its sovereignty; it can send its diplomatists to treat for, its soldiers to conquer, and its people to settle new countries. The taking possession, therefore, of unoccupied lands by persons officially authorized—and no private person can assume the authority—is the exercise of a sovereign power, a distinct act of legislation, by which the new territory becomes annexed to the dominion of the crown.

In 1805, there was an exploration, made by Lewis and Clark, of the country west of the Rocky Mountains. He returned to the United States in the following year. But this act did not rest on any original right, nor was it sustained by any act of the American Congress. The scheme was projected by Mr. Jefferson, it is true, and that is all; there was no legislative approval; and therefore, under an express provision of the Constitution, the undertaking falls to the ground. In 1810, a house was built by Captain Smith, of Boston, on the south bank of the Columbia, which he deserted before the close of the year. This, however, was a private act, to which no weight is attached. Soon after, it is known, John Jacob Astor established the "Pacific Fur Company." To the British Northwest Company his intentions were communicated, and to them a large interest in the scheme was offered. This co-partnership was soon dissolved, and all the furs and stock sold to the Northwest Company for about \$58,000. From the facts mentioned, it may be concluded, in short, "that Spain never occupied, but abandoned the west coast of North America; that the British Government announced its intention to occupy, and formally declared the annexation of parts of the coast to its own territory, acting, in this respect, as the Government of Russia has done, and

that the British settlements on the Columbia were the first of a national and legal character, recognised as such by foreign nations.

With respect to the rights of the French to the Valley of the Mississippi, Mr. Greenhow and others seem to think that they extended, indefinitely, west and north. It can be most distinctly demonstrated, says Falconer, "that there is not the slightest foundations for this statement." Before the settlers who accompanied La Salle sailed to establish the colony of Louisiana, Beaujeau promised to act under the orders of the Governor and Intendant of Canada. In the grant made by Louis XIV, Crozat, it is distinctly mentioned that Louisiana was to be subordinate to the General Government of New France (Canada.) The extent of the province north was to be to the Illinois, but the Illinois was subsequently added to it. The Government of Canada had the control of the whole, and the jurisdiction of the subordinate could only be over the territory defined as the province of Louisiana. This province did not extend in 1712 farther to the north than the Illinois; all the north remained part of Canada. The highest point of Louisiana, at the time of the surrender of Canada, was the head waters of the Illinois. First, then, as a subordinate province, partly formed out of Canada, Louisiana extended no farther than the distinct boundaries of it could be shown. Secondly, it never extended further north than the Illinois river. Thirdly, the extent of the question of Louisiana was argued at the peace of 1762. Fourthly, Canada, in its fullest extent, was ceded to Great Britain. And lastly, the official map used by France in its negotiations with Great Britain, incontestably proves, that the country north and northwest of the Mississippi was ceded as the province of Canada. By a treaty signed between the negotiators of Great Britain and the United

States, in April, 1807, it was agreed that the parallel of 49° should be the boundary between British and American settlers. From some cause or other, however, the treaty was not ratified, and the subject was not discussed again until 1814. Various reasons have been assigned why this parallel was not established, but it is very certain that Mr. Jefferson was *perfectly satisfied with it*, but feared that the allusion to any claim extending to the coast, would be offensive to Spain. This was in 1807, after the purchase of Louisiana. It has been argued, that the rights granted to the United States under the treaty of Utrecht, were superior to any maintained by foreign powers. The treaty of Utrecht is one of a cycle, or cluster of treaties, then and there concluded, between 1711 and 1714. They were chiefly separate conventions of nation with nation, among those engaged in the "war of the succession." England's part of them alone extended to some 13; and among them was this with France, in which, among other things, was determined the boundary of the Hudson Bay possessions of the one, and the Canadian and Louisianian of the other. By it they settled that, from the Lake of the Woods on the 49th degree, the limiting line between them should run "*indefinitely west.*" Col. Benton has considered this as carrying it from ocean to ocean; but, of course, it meant only "so far as either nation had co-terminous claims." Neither had yet carried its possessions or discovery to the Rocky Mountains, their natural, inevitable boundary, as running west from the Atlantic or its waters. But they stopped there, from the fact that counter discoveries had been made on the Pacific, in which France had no share, and which ascended in an opposite direction, to the sources of whatever waters emptied themselves along the coast visited. It is thus plainly seen, that—

1st. This convention settled nothing beyond the valley of the Mississippi west.

2d. That for any thing beyond there could nothing arise out of an agreement between these parties, because one of them (France) had *no right there*.

3d. That, to have made the convention of any effect, Spain should have been the counter-party, *not France*, with England.

Accordingly, it is perfectly clear that France herself *never*, for an instant, set up *any title for any thing west of the Rocky Mountains*. Her entire territorial rights in North America ascended from the St. Lawrence, on one part, and from the Mississippi, on the other, and ended with their waters. So clear was this, that it was never till 1814, in the contest between Spain and the United States for Florida, that any pretension of right to Oregon, *derived from France*, was set up; *and even then no attempt was made to explain how that right came about*.

Our own public acts, just before and just after our acquisition, *estop* us in the most decided manner. In fitting out the expedition of Lewis and Clark, while the negotiation for the purchase of Louisiana was pending, (February, 1803,) Mr. Jefferson prepared instructions for these commanders, in which he expressly *tells them that the object of the exploration was not to make discovery of any territorial claim; that it was purely commercial, and with a view to open a trade west of our possessions; that, therefore, to guard against any misapprehension or interruption, he had applied to the Governments claiming the soil—to Spain, England, and Russia—and obtained from them PASSPORTS for the party*. France, it is believed, is not mentioned, or, if included, could only have been so as *then* the proprietor of Louisiana. This application was a clear pledge of our faith to all the Governments included *that*

we meant to make no territorial claim. If our title had been considered by Mr. Jefferson "clear and unquestionable," can it be supposed that this application would have been made to said powers? It obviously implies doubt; for there would have been no passports asked unless their claims were superior. Now this was eleven years after the alleged discovery of Captain Gray, (1792,) of whom, therefore, nothing more need be said. So much for what preceded the purchase of Louisiana, concluded on the 30th of April, 1803, and known to our Government in June, or early in July following, which was several months before the departure of Captain Lewis, (October, we think,) *and yet no change was made in his instructions.* Nor is it until the expedition reached the mouth of the Columbia, in 1804, that we hear any thing of our claim. Those officers then, in entire disregard of their instructions, took possession in the name of the United States. A very singular act every way; utterly illegal and unjust, being an individual act; for if they went upon a title created by discovery, they knew of that of Gray's only by vague report; and it had been waived by their Government. And as for their own discoveries, not only were they deprived by the orders and pledges of their Government of all *power* to make any such as conferred any title to the soil, but they knew that the very ground on which they went through the ceremony of taking possession was far below the point to which Lieutenant Broughton had surveyed the Oregon in 1792, he having examined it with his boats 90 miles upwards, and they themselves using his journal, and calling capes and mountains by the names which Lieutenant B. has given them. In the negotiations at Madrid, in 1805, as to the western boundary of Louisiana, no claim was set up beyond a line from the sources of the Rio Grande, or else the Colorado, around the western heads of the waters of

the Missouri, and so "to the northern boundary of Louisiana." All this, then, flings our entire claim upon the right derived from Spain by the treaty of 1819, and so substitutes us for her in the Nootka Sound convention of 1790.

It is argued by several writers, whose views are manifestly *partial*, that this convention was entirely *annulled* by the war of 1804, while Joseph Bonaparte was on the throne, thereby vesting all right in the United States. It is utterly impossible to infer from this that the claims of Britain were invalidated; for it has never been denied that the territorial boundaries of countries are disturbed by war, unless there is a concession on the part of the party conquered. *Treaties may be dissolved, but territorial limits cannot be destroyed.* Again: If this convention had been annulled, "and stricken from existence," would it have been afterwards referred to, and the proceedings of it *consulted* in all the subsequent negotiations touching treaty stipulations? It is very certain that in the convention of 1818, when a review of the past was taken, with a desire of ending disputes and difficulties, the proceedings of this Nootka Sound convention, every suggestion that was made, and every circumstance that occurred, was carefully weighed; and, indeed, their whole action was entirely based upon what had been said and done.

In the controversies that have existed between the United States and Great Britain, it is contended by the latter that Haceta, a Spaniard, was the first discoverer of the Columbia river. It is conceded on all hands that he first saw the coast of the Columbia, but the existence of this river was believed by many long before his time. And its coasts must have been seen by all the navigators who sailed in sight of it. The mere fact of seeing the coast first is not *sufficient*. This has been done hundreds of times.

and not the least importance attached to it. In making a discovery it is necessary to ascertain the river, to see it, and know it to be a river. This Spaniard sailed for many miles along the coast of the Pacific, but never entered into any examination; he cannot, therefore, be considered a discoverer. It is very true that the discovery of one part of a river points out the way to further discoveries. A clue is given, and investigations continue to be made, until the party or parties are perfectly satisfied. If, however, we have any title to the discovery of the Columbia river, it is very certain it has not been disturbed by the settlements of other countries; for there have been no settlements made prior to our own. The following is Haceta's account, while cruising along the coasts of the Pacific, which is no evidence that he ever saw the opening of the land through which the river issues:

"In the evening of this day I discovered a large bay, to which I gave the name of *Assumption bay*, and of which a plan will be found in this journal. Its latitude and longitude are determined according to the most exact means afforded by theory and practice.

"The latitudes of the two most prominent capes of this bay, especially of the northern one, are calculated from the observations of this day.

"Having arrived opposite this bay at six in the evening, and placed the ship nearly midway between the two capes, I sounded, and found bottom in twenty-four *brazas*; the currents and eddies were so strong that, notwithstanding a press of sail, it was difficult to get out clear of the northern cape, towards which the current ran, though its direction was eastward, in consequence of the tide being at flood.

"These currents and eddies of the water caused me to believe that the place is the mouth of some great river, or of some passage to another sea.

"Had I been certain of the latitude of this bay, from my observations of the same day, I might easily have believed it to be the passage discovered by Juan de Fuca, in 1592, which is placed on the charts between the 47th and the 48th degrees, where I am certain that no such

strait exists; because I anchored, on the 14th of July, midway between these two latitudes, and carefully examined every thing around.

“Notwithstanding the great difference between the position of this bay and the passage mentioned by De Fuca, I have little difficulty in conceiving that they may be the same, having observed equal or greater differences in the latitudes of other capes and ports on this coast, as I shall show at its proper time; and in all cases the latitudes thus assigned are higher than the real ones.

“I did not enter and anchor in this port, which in my plan I suppose to be formed by an island, notwithstanding my strong desire to do so; because, having consulted the second captain, Don Juan Perez, and the pilot, Don Christoval Revilla, they insisted that I ought not to attempt it, as, if we let go the anchor, we should not have men enough to get it up, and to attend to the other operations which would be thereby rendered necessary. Considering this, and also that, in order to reach the anchorage, I should be obliged to lower my long boat, (the only boat I had,) and to man it with at least fourteen of the crew, as I could not manage with fewer, and also that it was then late in the day, I resolved to put out; and at the distance of three or four leagues I lay to. In the course of that night I experienced heavy currents to the southeast, which made it impossible for me to enter the bay on the following morning, as I was far to leeward.

“These currents, however, convinced me that a great quantity of water rushed from this bay on the ebb of the tide.

“The two capes which I name in my plan Cape San Roque and Cape Frondosa, lie in the angle of ten degrees of the third quadrant. They are both faced with red earth, and are of little elevation.”

But so soon as the river above mentioned was discovered, and the intelligence reached England, McKenzie was sent out to make what developments he could. In order to accomplish this, the British navigator took the Canadas in his route, missing all the waters of the Columbia, and falling upon the *Tacoutche Terse*, McKenzie was soon privy to all the circumstances connected with the discovery by Lewis and Clark, and finding himself in a dilemma, determined to seize the river, and preserve the trade and dominion of his own country, and to drive away, if possible, all “*Amer-*

ican adventurers." From that day to this the labors of the British negotiators, and all concerned in the success of British claims, have been zealously engaged in advancing arguments and suggesting ways and means by which they would have free access to the Columbia. Their main object was, to annul the established boundary of the 49th degree of latitude; for as long as this boundary existed, they could not advance within *three degrees* of the mouth of the Columbia, which was in 46 degrees. Louisiana was acquired in 1803. At the very time that this treaty was signed at London, (without a knowledge of what was done at Paris,) "fixing, among other things, the line from the Lake of the Woods to the Mississippi." Mr. Jefferson refused to sign it, fearing that it might disturb the boundary of Louisiana and the parallel of forty-nine degrees. There was another treaty in 1807, between Mr. Monroe and Mr. Pinckney, on one side, and Lords Holland and Auckland on the other. The British were aware of all that had passed; that we had acquired Louisiana, and established the 49th parallel, and they set systematically to work to destroy that line. An article was at last agreed upon, in which the British succeeded in stopping at the Rocky Mountains. Mr. Jefferson rejected this also, and there the matter rested. A third attempt was made at Ghent, where the British included in their proposition the privilege of navigating the Mississippi. Here they were again foiled; but such was their perseverance, that their object was accomplished to their satisfaction in the convention signed at London in 1818. That convention opened *the Columbia to the joint occupation and free use of the British, which was confirmed by the United States*, and became *valid and obligatory*. "But it is a point," says the distinguished Senator from Missouri, Mr. Benton, "not to be overlooked or undervalued in

this case, that it was in the year 1818 that this arrestation of the line took place. That up to that period it was in full force in all its extent, and consequently in full force to the Pacific Ocean, and a complete bar, leaving out all other barriers, to any British acquisition by discovery, south of 49 degrees, in North America." Let us look, for a moment, at the *Spanish treaty*. The United States, by that treaty, succeeded to all the rights of Spain on the northwest coast of America north of 42 degrees. Don Onis says, "that these rights extended to the Russian possessions, the British having nothing on that coast." That point was decided by the Nootka treaty of 1790. It was decided "that Nootka, four degrees north of the Columbia," belonged to the United States. The privilege of hunting and fishing and erecting huts was granted to them. Colonization was positively denied—the 3d and 6th articles of the treaty will prove this. The British should have nothing to do with the Columbia river. Up to the year 1818 it was never contended for. After that time, a field was open to them, and they have taken possession of it to the fullest extent."

It is denied by many that the 49th degree of latitude was ever established as the boundary between the British and American possessions in Oregon; and that this line has been adopted by those of our countrymen who wish to favor the British side of the question. The very able speech delivered by Mr. Benton in the Senate on the 12th of January, 1843,* goes clearly to prove that this is the only boundary that can be established without involving our country in serious difficulties, and probably in war. The following is an extract:

"Mr. Benton said he would not restate the American

* See Congressional Globe, 27th Congress, 3d session, page 74.

title to this country; it had been well done by others who had preceded him in the debate. He would only give a little more development to two points—the treaties of 1803 and 1819; the former with France, by which we acquired Louisiana; the latter with Spain, by which we acquired all her rights on the northwest coast of America north of 42°. By the first of these treaties we became a party to the 10th article of the treaty of Utrecht, between France and England; the treaty of peace of 1714, which terminated the wars of Queen Anne and Louis XIV, and settled all their differences of every kind in Europe and America, and undertook to prevent the recurrence of future differences between them. The 10th article of this treaty applied to their settlements and territories in North America, and directed commissioners to be appointed to mark and define their possessions. These commissaries did their work. They drew a line from ocean to ocean, *to separate the French and British Dominions*, and to prevent future encroachments and collisions. This line began on the coast of Labrador, and followed a course slightly south of west, to the centre of North America, leaving the British settlements of Hudson's Bay to the north, and the French Canadian possessions to the south. This line took for a landmark the Lake of the Woods, which was then believed to be due east from the head of the Mississippi; and from that point took *THE 49TH PARALLEL of north latitude indefinitely to the west*. The language of the line is "*indefinitely;*" and this *established the northern boundary of Louisiana*, and erected a wall beyond *which future French settlements could not cross to the north nor British to the south*.

"The rights of Great Britain are recorded and defined in the convention of 1790; they embrace the right to navigate the waters of those countries—to settle in and over

any part of them, and to trade with the inhabitants and occupiers of the same. These rights have been peaceably exercised ever since the date of that convention; that is, for a period of nearly forty years. Under that convention, valuable British interests have grown up in that quarter."

When Louisiana was purchased, we were made by the treaty of 1803, *a party to the 10th article of the treaty, Utrecht*, making the 49th parallel the same to us and the British which it had been to the French and British. As far as that line was considered, there was an impassable barrier presented that could not be overleaped, and was equally binding upon one country as upon the other. We admit that the American, Captain Gray, discovered the Columbia, at its mouth, in 1790, and that Lewis and Clark, Americans also, discovered it from its source to its mouth, in 1804-'5, thereby making the title of discovery good and undeniable, giving the control of the whole river.

We have thus briefly presented this subject to the American people, in what we consider a fair and candid light. The claims of the different disputants, in addition to *treaties, cessions and negotiations*, with all statistical data, have been carefully, and, we trust, impartially considered. Our opinions, it is true, have been freely expressed in the analysis made; we have not scrupled to do so, but it has been our aim throughout to form correct premises, and from them to take accurate conclusions; and we are very sure, should any error or mistake have been made by us, placing the right and title of any nation in an unjust or il-liberal light, it has not resulted from a desire to take undue advantages by assuming false positions, but from an ardent wish to see this vexed and knotty question adjusted on honorable grounds, finally and definitely, and that too, speedily. Is it to be wondered that Eng. and, under the circumstances, should be anxious to take possession of a

large part of this territory, when her interests in every particular, commercial and agricultural, would be advanced, and her dominions extended? Where is the nation on earth that is not anxious to add to her possessions by territorial acquisition? As the miser gathers his hoarded treasures together, in the same ratio and in the same degree is every nation inclined to extend her power by adding to what she already has. It is natural that all countries will adopt those means and use those efforts that will add to their wealth, and increase thereby their influence with other countries. Mark the conduct of Great Britain towards different foreign powers since the year 1730. How different from that of other countries! What a constantly increasing, an unappeasable appetite for territorial aggrandizement! How long and hard the struggle for power and dominion! Her philosophers, poets, and orators, her lords and nobles, like the Cæsars of old, have been going on steadily "conquering and to conquer," whitening every sea with their ships, and carrying suffering and distress to the once peaceful firesides of unoffending peasantry. For eight hundred years the sword has been busily at work! The kingdom of Ireland, distracted and oppressed with intestine commotions, has cried loud and long for protection and mercy. Her voice, though feeble, has been heard in the remotest parts of the civilized world, and bursts of indignation have gone forth upon the heads of hard-hearted Britons. The eloquence of her Burke, her Sheridan, her Grattan, her Emmett, and her O'Connell, pleading the cause of the injured and oppressed in language of true eloquence, has been unheard amidst the long and bloody warfare for dominion. Wales, too, has raised her imploring voice, that was no sooner heard than forgotten; while Scotland, unsuspecting Scotland, has maintained her ground, and resisted successfully the fell sweep. She is plying all her guilty

devices to be the autocrat of commerce, planting her flag on every sea, and including in her territorial bounds all the small islands within her reach. Look to the course of France towards this country—the good will and friendship that was cherished on her part; yet she has taken from her the Canadian possessions, which justly belonged to her, securing thereby two important sources of revenue, *the fur and lumber trade, and its invaluable fisheries.*

How has she treated the Dutch, and Spaniards, and other nations having possessions in the West India islands? She has snatched from them their islands one by one, and indignantly spurned any application for redress. Gibraltar, the property of the Spaniards, and Malta, owned by the Knights of St. John, have fallen a victim to her merciless ambition, together with the Ionian Islands, until she claims the countries on the Mediterranean sea from its eastern to its western extremity. The French in India have lost what they had; province after province has been swallowed up in the great vortex of English ambition, and now one hundred millions of Hindoos bow to her imperial sceptre. She is now casting a longing, wistful eye to the Oregon territory, *the richest jewel yet.* To this long-neglected western frontier we maintain a clear and unquestionable right. Her object is to exclude, if possible, the United States from the India trade. This is admitted by all. She wishes to carry on a monopoly, shutting us out from any commercial advantages, but *this we protest against.* We have on our side the law of nations, and arguments that can never be refuted. This has been a long and excited question on the other side of the Atlantic, as well as on this, and we sincerely trust that some step will be taken to acquire the territory that will be fair and equal, but, at the same time, final and irrevocable.

A TABLE OF DISTANCES

From Independence, Missouri, to the intermediate points between that town and Astoria, at the mouth of the Columbia river.

	Miles.
From Independence to the Rendezvous - - -	20
Rendezvous to Elm Grove - - -	15
Walpalusia to Kansas river - - -	31
Kansas river to Big Sandy creek - - -	31
Big Sandy to Hurricane branch - - -	12
Hurricane branch to east fork of Blue river - -	20
East fork to west fork of Blue river - - -	15
West fork, where we came in sight of the Republican fork of the Blue river - - -	41
Up Republican fork of the Blue river to where we left it to cross over to the Big Platte river - - -	65
Up the Platte to where we saw the first herd of Buffalo -	55
Up the same to the crossing on north fork of same -	117
South fork to crossing on north fork of same - -	31
Crossing of north fork to Cedar Grove - - -	13
Cedar Grove to Solitary Tower - - -	18
Solitary Tower to Chimney Rock - - -	18
Chimney Rock to Scott's Bluffs - - -	20
Scott's Bluffs to Fort Laramie - - -	36
Fort Laramie to Big Spring at the foot of Black Hills -	8
Big Spring to Kergan on north fork of Platte - -	30
Kergan to crossing of north fork - - -	84
Crossing of north fork to Sweetwater river - - -	55
Up Sweetwater river to where we first saw the eternal snows of the Rocky Mountains - - -	60
The above point to main dividing ridge of Rocky Mountains	40
Dividing ridge to Little Sandy river - - -	16
Little Sandy to Big Sandy - - -	14
Big Sandy to Green river - - -	25
Down same - - -	12
To Black fork of Green river - - -	22
Black fork to Fort bridge - - -	30

	Miles.
From Fort bridge to Big Muddy river - - -	20
Big Muddy to Bear river - - -	37
Down Bear river to range of hills mentioned as running up to its bank - - -	57
Down Bear river to Great Soda spring - - -	28
Soda spring to the Portneuf river, the first water of the Columbia - - -	25
To Fort Hall in the Snake or Saptin river - - -	58
Fort Hall to the Portneuf again - - -	11
Portneuf to Rock creek - - -	87
Rock creek to Salmon falls on the Saptin - - -	42
Salmon falls to crossing on the Saptin - - -	27
Crossing of Saptin to Boiling spring - - -	19
Boiling spring to Boise river - - -	48
Down same to Fort Boise on Saptin - - -	40
Fort Boise to Burnt river - - -	26
East point to Powder river at the Lone point - - -	18
The Lone point to Grand river - - -	15
Grand river to the Umatilla river on the west of the Blue Mountains - - -	43
Umatilla to Dr. Whitman's mission - - -	29
Mission to fort Wallawalla - - -	25
Wallawalla to Mr. Dalles' mission - - -	120
Dalles to Vancouver - - -	100
Vancouver to Astoria - - -	30
Astoria to the ocean - - -	10
Making in all from Independence to the Pacific ocean -	<u>2,036</u>

TABLE OF DISTANCES

Along the road travelled by Lieut. Fremont in 1843 and 1844. Outward journey from Kansas Landing to Fort Vancouver.

Date.	Distance travelled each day.	Distance from Kansas landing.	Localities.	Date.	Distance travelled each day.	Distance from Kansas landing.	Localities.
1843.	Miles.	Miles.		1843.	Miles.	Miles.	
May 29	7	7		Aug. 7	30	1,011	
30	22	29		8	29	1,040	
31	26	55		9	26	1,066	Sweet Water.
June 1	23	78		10	23	1,089	
2	22	100		11	29	1,118	
3	23	123		12	25	1,143	
4	16	141		13	9	1,152	South Pass.
5	19	160		15	15	1,167	
6	14	174		14	25	1,192	
7	8	182		15	29	1,221	Green river, or Rio Colorado.
8	5	187	Junction of Smoky Hill and Republican forks.	16	26	1,247	
10	1	188		17	21	1,268	
11	24	212		18	32	1,300	
12	28	240		19	28	1,328	
13	18	258		20	30	1,358	
14	17	275		21	26	1,384	
16	21	296		22	37	1,421	
17	14	310		23	12	1,433	
18	23	333		24	22	1,455	
19	18	351		25	8	1,463	Bear Springs.
20	26	377		26	21	1,484	
21	27	404		27	21	1,505	
22	26	430		28	27	1,532	
23	26	456		29	17	1,549	
24	34	490		30	19	1,568	
25	26	516	Crossing of the Republican.	31	26	1,594	
26	24	540		Sept. 1	22	1,616	
27	27	567		2	17	1,633	
28	30	597		3	3	1,636	Mouth of Bear river.
29	21	618		4	6	1,642	
30	26	644	South fork.	5	27	1,669	
July 1	32	676		6	25	1,694	
2	29	705		8	20	1,714	Shore of Salt lake.
3	28	733		9	8	1,722	Island in Salt lake.
4	18	751	St. Vrain's fort.	10	28	1,750	
26	4	755		12	13	1,763	
27	26	781		13	27	1,790	
28	20	801		14	24	1,814	
29	6	807		15	19	1,833	
30	24	831		16	26	1,859	
31	30	861		17	24	1,883	
Aug. 1	26	887		18	23	1,906	Fort Hall.
2	31	918	Medicine Bow river.	22	12	1,918	
3	26	944		24	10	1,928	American falls on Lewis's fork.
4	18	962	North Fork.	25	13	1,941	
6	19	981		26	17	1,958	

Table of distances—Continued.

Date.	Distance travel- led each day.	Distance from Kansas landing.	Localities.	Date.	Distance travel- led each day.	Distance from Kansas landing.	Localities.
1843.	<i>Miles.</i>	<i>Miles.</i>		1843.	<i>Miles.</i>	<i>Miles.</i>	
Sept. 27	20	1,978		Oct. 16	13	2,384	
28	25	2,003		17	21	2,405	
29	24	2,027		18	20	2,425	
30	26	2,053		19	21	2,446	
Oct. 1	16	2,069		20	12	2,458	
2	29	2,098		21	5	2,463	
3	16	2,114		22	16	2,479	
4	19	2,133		24	18	2,497	
5	26	2,159		25	18	2,515	
6	22	2,181		26	3	2,518	
7	23	2,204		28	19	2,537	Fort Nez Percé, at the mouth of Wal- ahwalah river.
8	26	2,230		29	19	2,556	
9	24	2,254		30	21	2,577	
10	2	2,256	Fort Boisé.	31	26	2,603	
11	20	2,276		Nov. 1	23	2,626	
12	27	2,303		2	19	2,645	
13	20	2,323		3	17	2,662	
14	22	2,345		4	14	2,676	Dalles.
15	26	2,371		6 & 7	90	2,766	Fort Vancouver.

Homeward journey—from the Dalles to the Missouri river.

Date.	Distance travel- led each day.	Distance from the Dalles.	Localities.	Date.	Distance travel- led each day.	Distance from the Dalles.	Localities.
1843.	<i>Miles.</i>	<i>Miles.</i>		1843.	<i>Miles.</i>	<i>Miles.</i>	
Nov. 25	12	12		Dec. 14	21	288	
26	22	34		15	21	309	
27	13	47		16	9	318	Summer lake.
28	21	68		17	6	324	
29	21	89		18	20	344	
30	10	99		19	21	365	
Dec. 1	6	105		20	26	391	Lake Abert.
2	11	116		21	6	397	
3	22	138		22	29	426	
4	9	147		23	7	433	
5	11	158		24	13	446	Christmas lake.
6	19	177		25	14	460	
7	25	202		26	21	481	
8	19	221		27	24	505	
9	14	235		28	16	521	
10	15	250	Tlamath lake.	29	15	536	
12	5	255		30	17	553	
13	12	267		31	18	571	

Table of distances—Continued.

Date.	Distance travel- led each day.	Distance from the Dalles.	Localities.	Date.	Distance travel- led each day.	Distance from the Dalles.	Localities.
1844.	Miles.	Miles.		1844.	Miles.	Miles.	
Jan. 1	20	591		Mar. 28	17	1,256	
2	25	616		29	8	1,264	
3	7	623		April 1	10	1,274	
4	7	630		3	22	1,296	
5	2	632		4	15	1,314	
6	15	647	Great Boiling spring.	5	37	1,351	
9	11	658		6	15	1,366	
10	10	668		7	50	1,416	
11	10	678		8	6	1,422	
12	6	684	Pyramid lake.	9	31	1,453	
13	12	696		10	40	1,493	
14	9	705		11	24	1,517	
15	12	717		12	15	1,532	
16	18	735		13	27	1,559	Pass in the Sierra
17	22	757		14	32	1,591	Nevada.
18	8	765		15	32	1,623	
19	18	783		17	39	1,662	
20	5	788		18	3	1,665	
21	24	812		19	15	1,680	
22	14	826		20	33	1,713	Spanish trail at Mo-
23	25	851		22	20	1,733	hahve river.
24	20	871		23	33	1,766	
25	25	896		24	8	1,774	
27	12	908		25	25	1,799	
28	12	920		27	43	1,842	
29	7	927		28	12	1,854	
30	11	938		29	7	1,861	
31	26	964		30	24	1,885	
Feb. 2	16	980		May 1	15	1,900	
3	7	987		2	12	1,912	
4	3	990		3	18	1,930	
7	4	994		4	57	1,987	
8	1	995		6	18	2,005	Rio Virgen.
10	3	998		7	10	2,015	
20	3	1,001	Summit of the Si-	8	18	2,033	
21	5	1,006	erra Nevada.	9	1	2,034	
22	3	1,009		10	24	2,058	
23	5	1,014		11	12	2,070	
24	12	1,026		12	14	2,084	Vegas de Santa Cla-
25	14	1,040		13	15	2,099	ra.
26	14	1,054		15	21	2,120	
27	1	1,055		16	17	2,137	
28	10	1,065		17	17	2,154	
Mar. 1	6	1,071		19	27	2,181	
2 & 3	10	1,081		20	22	2,203	
4	7	1,088		21	31	2,234	
5	20	1,108		22	23	2,257	
6	34	1,142	Nueva Helvetia.	23	12	2,269	Sevier river.
24	16	1,158		24	23	2,292	
25	18	1,176		25	32	2,324	
26	21	1,197		26	9	2,333	Utah lake.
27	42	1,239		27	22	2,355	

Table of distances—Continued.

Date.	Distance traveled each day.	Distance from the Dalles.	Localities.	Date.	Distance traveled each day.	Distance from the Dalles.	Localities.
1844.	<i>Miles.</i>	<i>Miles.</i>		1844.	<i>Miles.</i>	<i>Miles.</i>	
May 28	25	2,380		June 29	30	3,063	Pueblo, on the Arkansas.
29	25	2,405		30	37	3,100	
30	31	2,436		July 1	33	3,133	Bent's fort.
31	16	2,452		5	20	3,153	
June 1	16	2,468		6	31	3,184	
2	8	2,476		7	31	3,215	
3	21	2,497	Uintah fort.	8	28	3,243	Head water of Smoky Hill fork of the Kansas.
5	26	2,523		9	27	3,270	
6	15	2,538		10	28	3,298	
7	30	2,568	Green river, Brown's hole.	12	24	3,322	
9	36	2,604		13	30	3,352	
10	30	2,634		15	10	3,362	
11	30	2,664		16	23	3,385	
12	26	2,690		17	32	3,417	
13	26	2,716		18	24	3,441	
14	23	2,739		19	29	3,470	
15	25	2,764	New Park.	20	29	3,499	
16	26	2,790		21	23	3,522	
17	33	2,823	Old Park.	22	17	3,539	
18	13	2,836		23	26	3,565	
19	16	2,852		24	22	3,587	
20	27	2,879		25	19	3,606	
21	19	2,898		26	24	3,630	
22	15	2,913	Bayou Salade, South Park.	27	18	3,648	
23	36	2,949		28	22	3,670	
24	21	2,970		29	12	3,682	
25	21	2,991		30	12	3,694	
26	11	3,002		31	6	3,702	Kansas landing.
27	10	3,012		Aug. 1	7	3,709	Missouri river.
28	21	3,033					

Various disputes have arisen as to the source from whence the Oregon river derived its name. Some say it is taken from a Spanish word signifying pennyroyal, or hysop, which grows abundantly on the banks of the river; but this is a mistake. The country was named by an Irishman, whose ancestors took up their abode in the territory about the time the Danes invaded Ireland. For a long time the country was without a name, and this man, finding that it would be never named unless he took the matter in hand, he called the country *O'Regan*. Within a hundred and fifty years, however, the Milesian has been corrupted by the English, Yankees, Spaniards, and Indians, and it is now called *Oregon*.

REVIEW

Of the late Correspondence between the American and British Negotiators.

In order to place before the public, as far as can be obtained from creditable sources, the means that have been taken by the American Secretaries of State and British Plenipotentiaries to bring the Oregon question to a "final and equitable settlement," and believing that a review of the correspondence between the late Secretaries of State, Mr. Webster and Mr. Upsher, and Mr. Fox and Lord Aberdeen, will be interesting and instructive, and calculated to throw new light on a much entangled and deeply-absorbing question, we shall introduce the most important clauses in the statements, with a view of bringing down our investigations to the latest period. This correspondence, we are happy to say, has been conducted in a spirit of fairness, and with a degree of courtesy that reflects credit and honor upon the distinguished gentlemen to whom the two Governments referred the question.

The letter of Mr. Fox to Mr. Webster, the first that was written, bearing date Washington, Nov. 15, 1842, is characterized by a spirit of fairness and candor, prudence and moderation, so necessary to the settlement of a controversy involving in its issue the territorial possession of a highly valuable and extensive domain. He invites the earnest and serious attention of Mr. Webster, which is endorsed the month after by a respectful appeal to the same gentleman, then Secretary of State, from Lord Aberdeen, dated "Foreign Office," October 18, 1842. In this communication his language is frank and open, clearly indicating the desire of Her Majesty's Government to settle, by prudent negotiation, all difficulties and disputes, and fix upon a boundary fair and satisfactory to both parties, and calcu-

lated to preserve the pacific relations of the two Governments. His Lordship requested that the President of the United States (John Tyler) would send to England a special minister, fully authorized to settle the question, who would be met at the British court with Her Majesty's agent, also clothed with the same power and authority. He says, in behalf of Great Britain, "that she is prepared to proceed to the consideration of the subject in a perfect spirit of fairness, and to adjust it on a basis of equitable compromise." In the letter of Mr. Pakenham to Mr. Upsher, he also earnestly recommends a speedy adjustment, and says "there is no matter under the consideration of the two Governments respecting which the British Government is more anxious to come to an early and satisfactory arrangement with the Government of the United States than that relating to the boundary of the Columbian or Oregon Territory. In Mr. Upsher's reply, dated Department of State, February 26, 1844, he informs Mr. Pakenham that he will receive him at the State Department on the following day, at 11 o'clock, A. M. It appears, however, that the proposed interview never took place, and there was a "pause" in the correspondence until July 22, 1844, after the death of the lamented Upsher, which was renewed by Mr. Pakenham in a letter addressed to Mr. Calhoun, then Secretary of State. In this letter he proposes, Congress having advised a re-consideration of the subject, "the earnest desire of Her Majesty's Government that the question should be disposed of at the earliest moment consistent with the convenience of the Government of the United States." In Mr. Calhoun's reply, dated August 22, of the same year, he evinces an equally strong desire to settle the question in dispute, and fixes upon the next day as a suitable time for their deliberations, which is accepted by Mr. Pakenham. The following is the result of the interview :

Protocols.

On the 23d of August, 1844, a conference was held by appointment at the office of the Secretary of State, in the city of Washington, between the Honorable John C. Calhoun, Secretary of State of the United States, and the Right Honorable Richard Pakenham, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, both duly authorized by their respective Governments to treat of the respective claims of the two countries to the Oregon Territory, with the view to establish a permanent boundary between the two countries westward of the Rocky Mountains to the Pacific Ocean.

The conference was opened by assurances on both sides of the desire of their respective Governments to approach the question with an earnest desire, and in the spirit of compromise, to effect an adjustment consistent with the honor and just interests of either party. The plenipotentiaries then proceeded to examine the actual state of the question as it stood at the last unsuccessful attempt to adjust it.

This done, the American Plenipotentiary desired to receive from the British Plenipotentiary any fresh proposal he might be instructed to offer on the part of his Government towards effecting an adjustment.

The British Plenipotentiary said he would be ready to offer such a proposal at their next conference, hoping that the American Plenipotentiary would be ready to present a proposal on the part of his Government. The conference adjourned to meet on Monday, the 26th inst.

J. C. CALHOUN.

R. PAKENHAM.

On the 26th of August, 1844, there was another conference held by the representatives of the two Governments at the office of the Secretary of State. On this occasion Mr. Pakenham offered a paper proposing to adjust the claims of the two countries, which was declined by Mr. Calhoun. The following is the proposal of the second conference:

Whereas the proposals made on both sides in the course of the last negotiation had been mutually declined, her Majesty's Government were prepared, in addition to what had already been offered on the part of Great Britain, and in proof of their earnest desire to arrive at an arrangement suitable to the interests and wishes of both parties, to undertake to

make free to the United States any port or ports which the United States Government might desire, either on the main land or on Vancouver's island south of latitude 49°.

Protocol of the twenty-third conference, July 13, 1824.—Extract from the British paper.

“The boundary line between the territories claimed by his Britannic Majesty, and those claimed by the United States, to the west in both cases of the Rocky Mountains, shall be drawn due west along the forty-ninth parallel of north latitude, to the point where that parallel strikes the great northeasternmost branch of the Oregon or Columbia river—marked in the maps as McGillivray's river—thence down along the middle of the Oregon or Columbia, to its junction with the Pacific Ocean; the navigation of the whole channel being perpetually free to the subjects and citizens of both parties; the said subjects and citizens being also reciprocally at liberty, during the term of ten years from the date hereof, to pass and repass by land and by water; and to navigate, with their vessels and merchandise, all the rivers, bays, harbors, and creeks, as heretofore, on either side of the above mentioned line; and to trade with all and any of the nations free of duty or impost of any kind, subject only to such local regulations as, in other respects, either of the two contracting parties may find it necessary to enforce within its own limits, and prohibited from furnishing the natives with firearms and other exceptionable articles, to be hereafter enumerated; and it is further especially agreed that neither of the high contracting parties, their respective subjects or citizens, shall henceforward form any settlements within the limits assigned hereby to the other, west of the Rocky Mountains; it being at the same time understood that any settlements already formed by the British to the south and east of the boundary line above described, or by citizens of the United States to the north and west of the same line, shall continue to be occupied and enjoyed, at the pleasure of the present proprietors or occupants, without let or hindrance of any kind, until the expiration of the above mentioned term of years from the date hereof.

It was now agreed that written statements should be presented at the next conference. They appeared at the appointed time, but not being considered satisfactory, there was another interview held at the State Department on the

2d of September, 1844, when Mr. Calhoun presented an able statement of his views of the claims of the United States, and the reasons why he declined the terms proposed by the British Minister. Mr. Pakenham's statement is as follows: "That the boundary of the United States be limited by a line drawn from the Rocky Mountains, along the 49° parallel of latitude, to the northeasternmost branch of the Columbia river, and thence down the middle of that river to the sea, giving to Great Britain all the country north, and to the United States all south of that line, except a detached territory extending in the Pacific, and the Straits of Fuca, from Bulfinch Harbor to Hood's Canal. To which it is proposed in addition, to make free to the United States any port which the United States Government might desire, either on the mainland, or on Vancouver's island, south of latitude 49°." The elaborate statement of Mr. Calhoun is admirably prepared, and presents most clearly the claims of the United States to the Oregon Territory. He goes much into detail, thoroughly analysing the claims set up by the contracting parties, and enumerates the rights of his own country with those of Great Britain. On the 12th of September, 1844, the British minister held a fourth conference with Mr. Calhoun at the Department of State, when he took occasion to present the grounds on which he declined the proposal offered by the American Secretary, and what he considered a fair and just compromise. With respect to the claim of the United States as derived from France, he observes, that "he has not been able to discover any evidence tending to establish the belief that Louisiana, as originally possessed by France, afterwards transferred to Spain, then retroceded by Spain to France, and ultimately ceded by the latter power to the United States, extended in a westerly direction beyond the Rocky Mountains." He contends that,

at the time of the cession of Louisiana, its acknowledged western boundary was the Rocky Mountains, as was the opinion of Mr. Jefferson at the time of the purchase. The following is quoted by Mr. Pakenham from a letter written by Mr. Jefferson in August, 1803 :

“The boundaries (of Louisiana) which I deem not admitting question, are the high lands on the western side of the Mississippi, enclosing all its waters—the Missouri, of course—and terminating in the line drawn from the northwest point of the Lake of the Woods to the nearest source of the Mississippi, as lately settled between Great Britain and the United States.”

Mr. Pakenham makes mention also of another document containing the opinions of Mr. Jefferson, subsequent to the expedition of Lewis and Clark, in which he took offence at the intimations made respecting the object of the expedition, “that the claims of the United States extended to the Pacific Ocean.” It seems clear, says he, “that the United States can deduce no claim to the territory west of the Rocky Mountains ; but even were it otherwise, and if France had even asserted a claim to territory west of the Rocky Mountains, as appertaining to the territory of Louisiana, that claim, whatever it might be, was necessarily transferred to Spain when Louisiana was ceded to that power in 1762, and, of course, became subject to the provisions of the treaty between Spain and Great Britain of 1790, which effectually abrogated the Spanish claims to exclusive dominion over the unoccupied parts of the American continent.”

Mr. Pakenham enters into a long argument respecting the cession made by Spain in 1819, when she disposed of all the territory in her possession north of the 42d parallel of latitude to the United States ; but, as he very truly observes, “she could not, by that transaction, annul or invalidate the rights which had, by a previous transaction, been

acknowledged to belong to another power." The treaty of October, 1790, was solemnly and formally made. All the powers interested regarded it as valid, and the rights of Great Britain to the unoccupied parts of the northwest coast were clearly and fully recognised. No one doubted the right of Spain to cede to the United States all of this territory which actually belonged to her, but that which was unoccupied was surely surrendered to Great Britain. Spain, at that very time, could not clearly perfect her title. She met with many difficulties that could not be overcome. And as her right could not be made good, *"still less could she confer such a right to another power."* How is it, therefore, that the United States can assert exclusive dominion over the Oregon territory?"

Mr. Pakenham presents the arguments and facts that have been employed by the American agents respecting the discovery of the Columbia river made by the Spanish navigator Haceta, who, it is admitted by the American Secretary, first saw the mouth of that river. This admission is surely inconsistent with any discovery made by Gray; for if Mr. Calhoun had supposed that he was the first who entered the channel of the said river, he would have never admitted to the contrary. On the ground of discovery, Mr. Pakenham appears well fortified. He passes over as not worthy of attention the French title, and, of consequence, its little weight, and comes down to the independence of the United States, when "possession to the Columbian territory was claimed." At that time the treaty of 1783 was in full force, when the attention of the British Government had been directed to the northwest coast, as is shown by the voyage and discovery of Captain Cook, who, in 1788, visited and explored a great distance of it, from latitude 44° northward. Already a regular *commercial intercourse* had been established, the territory was

peopled by her own subjects, who had explored many of the neighboring islands, and, as a proof that an extensive commerce was existing, there was a strong disposition manifested by Spain to disturb and, if possible, to destroy it. Mr. Pakenham briefly alludes to the discovery of Meares in 1788. But this is regarded by us as too visionary to be worthy of notice. Meares was thought by many to be a fanatic. And the discovery supposed by some to have been made by him is discredited and long since exploded in his own country. Reference is made to the memorable discovery of Lewis and Clark, which the British think does not compare in importance with McKenzie's discovery, acting as a counterpoise to the exploration of that part of the Columbia which was first visited by Lewis and Clark. Mr. Pakenham concludes his statement, which is quite a long one, by saying "that a line of demarcation should be devised which shall leave to each party that precise portion best suited to its interest and commerce." He also says :

In addition, Great Britain offers a separate territory on the Pacific, possessing an excellent harbor, with a further understanding that any port or ports, whether on Vancouver's island, or on the continent south of the 49th parallel, to which the United States might desire to have access, shall be made free ports.

It is believed that by this arrangement ample justice would be done to the claims of the United States, on whatever ground advanced, with relation to the Oregon territory. As regards extent of territory, they would obtain acre for acre, nearly half of the entire territory to be divided. As relates to the navigation of the principal river, they would enjoy a perfect equality of right with Great Britain; and, with respect to harbors, it will be seen that Great Britain shows every disposition to consult their convenience in that particular. On the other hand, were Great Britain to abandon the line of the Columbia as a frontier, and to surrender her right to the navigation of that river, the prejudice occasioned to her by such an arrangement would, beyond all proportion, exceed the advantages accruing to the United States from the possession

of a few more square miles of territory. It must be obvious to every impartial investigator of the subject, that, in adhering to the line of the Columbia, Great Britain is not influenced by motives of ambition with reference to extent of territory, but by considerations of utility, not to say necessity, which cannot be lost sight of, and for which allowance ought to be made, in an arrangement professing to be based on considerations of mutual convenience and advantage.

The undersigned believes that he has now noticed all the arguments advanced by the American plenipotentiary, in order to show that the United States are fairly entitled to the entire region drained by the Columbia river. He sincerely regrets that their views on this subject should differ in so many essential respects.

It remains for him to request that, as the American plenipotentiary declines the proposal offered on the part of Great Britain, he will have the goodness to state what arrangement he is, on the part of the United States, prepared to propose for an equitable adjustment of the question; and more especially that he will have the goodness to define the nature and extent of the claims which the United States may have to other portions of the territory to which allusion is made in the concluding part of his statement; as it is obvious that no arrangement can be made with respect to a portion of the territory in dispute while a claim is retained to any portion of the remainder.

American statement.

The reply of Mr. Buchanan to the communication of Mr. Pakenham is characterized with the usual ability of this distinguished statesman. He differs essentially in almost every branch of the subject discussed by the British minister, not only with respect to the discovery of the head waters of the Columbia, but also on priority of settlement, and the force and effect of the cession made by Spain of Louisiana to the United States. He speaks of the convention of 1818, signed a few days after the restoration of Astoria, and that of 1827, which he contends are still in force. He goes on to say that the said treaty attempts to weaken the effect of implied admission, "by designating

positive treaty stipulations as an understanding between the two Governments, but a change of phraseology cannot possibly transform *treaty obligations* into a mere understanding between the two Governments;" he thinks also, that the counter-statement respecting Lord Castlereagh is entitled to but little consideration, and that the American title, derived from Spain ceding Louisiana to the United States, is perfectly good, establishing the Mississippi river as the "irrevocable boundary" between the French and British territories. On this cession, connected with those of France, he rests the claim of *contiguity*, extending to the Pacific Ocean, with nothing to oppose except the claim of Spain, which has been since acquired by the Florida treaty. These claims, he contends, are denied by the counter-statement on the authority of Mr. Jefferson, but without good reasons. Mr. Jefferson's object was not, says Mr. Buchanan, to state the extent of the claims acquired with Louisiana, but simply to state how far its unquestioned boundary extended, with a view of a statement of relations with Spain. He passes over the statement of the British minister respecting the dependancy of Louisiana on Spain, subject to the Nootka Sound convention, and proposes to attend to it at another time. He insists that Great Britain cannot rest her claims to the northwest coast of America upon *discovery*. As little will her single claim of settlement avail her. Owen Belsham, her own historian, forty years ago declared it to be certain, from the most authentic information, "that the Spanish flag, flying at Nootka, was never struck, and that the territory has been virtually surrendered by England." The agents of the northwest company, penetrating the continent from Canada in 1806, established their first trading post west of the Rocky Mountains, at Frazer's lake, in the 54th degree of latitude; and this, with the trading posts established by

Thompson, to which the undersigned has just adverted, and possibly some others afterwards previous to October, 1818, constitutes the claim of Great Britain." The statement of Mr. Buchanan, we repeat, is masterly, and on some points irresistible; his arguments are close, convincing, and logical, and the subject is viewed and discussed by him with that system which cannot fail to add to his already distinguished reputation, for all that constitutes a devotion to the interests and honor of his country.

British statement.

Mr. Pakenham's reply to Mr. Calhoun is contained in a brief communication bearing date January 13, 1845, in which he states, that all that passed in the correspondence had been laid before her Majesty's Government up to the 3d of last September, which still remained under the consideration of her Majesty's Government: he says, moreover, that no more fair or honorable mode of settling the question could be adopted than that of *arbitration*, and that he is authorized to offer for the consideration of the Government of the United States, and under the supposition that it may be found acceptable, further to suggest the choice of an arbiter, and the mode in which their respective cases shall be presented, may henceforth be made the subject of final agreement between the two Governments.

In Mr. Calhoun's reply of the 21st of January, 1845, he observes, that the offer made by Mr. Pakenham had been presented for the consideration of the President of the United States, who refused to accede to the terms proposed, while, at the same time, he hopes that the question may be speedily settled by negotiation, without resorting to any other mode as long as there is hope of arriving at

a satisfactory settlement. Here the correspondence ends, without having accomplished the important and desirable object of coming to some understanding at all events.

Proposals of settlement, it appears, were presented by the representatives of both nations, accompanied on both sides with strong and clear arguments setting forth the claims of each nation; but nothing was done, and the question remained at rest until July 12, 1845, an interval of six months, when there was a renewal of the correspondence by Mr. Buchanan, Secretary of State, on the 12th of July following. The question is considered by him with all that frankness and fairness which characterized the correspondence between Mr. Calhoun and Mr. Pakenham. He argues at great length the American title to this territory, presenting an accurate and highly interesting review of the different cessions, treaties, &c., and the proceedings of the Nootka Sound convention, signed at Escorial on the 28th of October, 1790. He devotes much attention to the discussion of the title of the United States to that portion of Oregon lying between the valley of the Columbia and the Russian line, in $54^{\circ} 40'$ north latitude, which is ceded "in the Florida treaty." Under this treaty, it is known, Spain made over to the United States "all her rights, claims, and pretensions," to any territory west of the Rocky Mountains, and north of the 42d parallel of latitude. It is contended by Mr. Buchanan with strong, and we think sufficient, proof to sustain his position, that the Spanish title against Great Britain to the whole territory *was good*, when in truth, Mears, in 1788, established himself at Nootka, when the Spaniards took possession under the command of the Viceroy of Mexico. That very convention expressly provides, as is admitted by Mr. Buchanan, for the restoration of lands, &c., which had been taken by

the Spaniards from British subjects, and a payment of indemnity for injuries sustained.

This *indemnity, actually paid by Spain*, was equivalent to an admission of the rights of Great Britain to certain portions of the territory. What does the 3d article of that convention signify, but an acknowledgment on the part of Spain that England possessed territorial right? If this right could not be sustained by facts, and was based alone on the declarations of interested persons, why was this provision made in the proceedings of said convention admitting "that British subjects should not be disturbed or molested, *either in navigating or carrying on the fisheries in the Pacific Ocean?*" It is true, had this convention published no provision impairing the sovereignty or territorial jurisdiction asserted by Spain, the case would have been different; but she openly permits and consents for British subjects to hold a joint occupation with her. Notwithstanding these facts, some of which are exposed by Mr. Buchanan, and the evidence adduced, "which, to his mind, plainly proves the validity of the American title," there is a proposition made by the President to settle the question upon the principle of compromise; and he accordingly offered the 49th degree of latitude as a permanent boundary. The following is the conclusion of Mr. Buchanan's interesting letter:

"In this determination he trusts that the British Government will recognise his sincere and anxious desire to cultivate the most friendly relations between the two countries, and to manifest to the world that he is actuated by a spirit of moderation. He has therefore instructed the undersigned again to propose to the Government of Great Britain, that the Oregon territory shall be divided between the two countries by the 49th parallel of north latitude from the Rocky Mountains to the Pacific Ocean; offering, at the same time, to make free to Great Britain any port or ports on Vancouver's island, south of this parallel, which the British Government may desire. He trusts that Great Britain may re-

ceive this proposition in the friendly spirit by which it was dictated, and that it may prove the stable foundation of lasting peace and harmony between the two countries. The line proposed will carry out the principle of continuity equally for both parties, by extending the limits both of ancient Louisiana and Canada to the Pacific along the same parallel of latitude which divides them east of the Rocky Mountains; and it will secure to each a sufficient number of commodious harbors on the northwest coast of America."

Mr. Pakenham to Mr. Buchanan, July 29, 1845.

Mr. Pakenham very briefly, but with much spirit, answers the argument of Mr. Buchanan respecting the title of the United States to that portion of the Oregon territory lying "between the valley of the Columbia and the Russian line, in 54° 40 north latitude." It appears, as has been before stated, that the Florida treaty of 1819 ceded to the United States "all the rights, claims, and pretensions of Spain to any territory west of the Rocky Mountains, and north of the 42d parallel of latitude." The Secretary of State insists that at the date of the convention, (Feb. 22, 1819,) Spain had a good title against Great Britain "to the whole Oregon territory," in the face of the convention of October 28, 1790. When the treaty of 1819 was concluded, the convention of 1790 was then considered binding, and in full force. Mr. Pakenham contends that the treaty of 1790 is not the "*main reliance*" of the British Government for the establishment of her rights; it is appealed to for the purpose of showing that the United States does not possess exclusive dominion. The treaty of 1790 was not confined to one matter solely, "it embraced a variety of objects: it had a commercial bearing, while at the same time, it is an acknowledgment of existing rights"—an admission of certain principles of international law not to be revoked at the pleasure of a single party, or to be set aside by a cessation of friendly relations between them.

It might have been considered as an abrogation of certain stipulations, but expressly confirmed and ratified all *commercial relations* between Great Britain and Spain. She evidently never considered the stipulations of the Nootka Sound convention annulled by the war of 1796. Had she supposed that by it exclusive dominion was given her, would she have consented to permit Great Britain to make her settlements and people the territory with her own subjects? Spain was perfectly quiet after the convention of 1814, "when, as yet, there had been no transfer of her rights to the United States." Mr. Pakenham states, in reply to the argument of Mr. Buchanan, "that the British Government had no idea in 1818 that the Nootka Sound convention was in force." That in "the year 1818 no claim, as derived from Spain, was or could be put forth by the United States, seeing that it was not until the following year (1819) that the treaty was concluded." "The exploration of Lewis and Clark," says Mr. Pakenham, "and the establishment founded at the mouth of the Columbia, must be considered as encroachments on the territorial rights of Spain." Look to the claim that was arrayed for the restoration of Fort George, and the proposal actually made for joint occupancy; all of which took place antecedent to the Spanish cession; in truth, long before the transfer was made. Surely, then, the Nootka Sound convention stamps with illegality and gross injustice any title founded before to the conclusion of the Florida treaty. It is impossible for the United States to found claims on discovery, exploration, and settlement before the Florida treaty was entered into, without admitting the principles of the Nootka Sound convention, and the consequent validity of the parallel claims of Great Britain, founded on like acts. It is perfectly clear, from documentary proof, that there has been as yet no array of facts

introduced that annuls or even affects the force or validity of the convention of 1790. It holds good as fully now as ever; and it is as binding to this day as it was in 1791. We cannot, however, acquiesce in opinion with Mr. Pakenham, who affirms "that even if the Nootka Sound convention had never existed, the position of Great Britain, as regards her rights, is at least as good as that of the United States." The rights of Great Britain, as must appear to every impartial mind, mainly, and, we may say, wholly depend upon the convention of 1790. Had she not been included in the proceedings of this convention, upon what ground could she have based her claims? Had she been denied the right of "navigation and settlement," the Spanish title being sustained alone by it, she would not be entitled to a single privilege she now enjoys. But the case is entirely different. The British right was openly avowed in convention, and no subsequent act of Spain could affect it in the least. If, as is admitted, the title of the United States is older than the Florida treaty of 1819, under which she acquired the rights of Spain to the northwest coast of America, so must the claims of Great Britain, resting on the same basis, in point of principle, and in strict conformity with the law of nations, be as good as those of the United States. Great importance is attached, by those writers who have investigated only the claims of the United States, to the discovery of Captain Gray; but it cannot be denied, as has been before observed, in the face of conflicting statements, that he was not empowered by the American Government to make settlements—he was sustained by no legal authority—the Executive and Congress had taken no action in the matter whatever, and he was nothing more than a private navigator, unlike Cook and Vancouver, who were duly authorized by their respective Governments, and sailed for the express purpose of exploration

and discovery. It must be recollected, in the next place, when the Oregon question was pending at the Court of St. James, and the claims of each nation were sustained by their representatives, there was an admission contained in a report of one of the American agents, "that respecting the mouth of the Columbia river, we knew nothing of Gray's discovery but through *British accounts*." It must, therefore, be taken for granted, that the American representatives, who had left their country expressly to adjust equitably this question, had examined and studied the subject with all that zeal and minuteness which made them thoroughly acquainted with it in all its details. They could not, under the circumstances, have been ignorant of the facts involved, and their predilections, naturally, must have favored the American side. Thompson, a British navigator, was the first civilized person who traversed the country drained by the Columbia. Lewis and Clark, it is true, made their way to the main stream after a while, but it was by a tributary, nearly two hundred miles from the part discovered by Broughton. But, admitting this, which is a strong ground in defence of British claims, we confidently believe, that "on discovery, exploration, and settlement, the United States has as clear a title, and is as firmly sustained in her claims, as any nation can be." The territory, under a joint occupancy, with the treaty of 1827 in full force, is now claimed by both powers, which leaves the question to be settled by cool and prudent negotiation. After an elaborate statement of Mr. Pakenham, he begs leave to decline the proposal made by the Secretary of State for the adjustment of the question, on the grounds of "its want of fairness, equity, and with the reasonable expectations of the British Government."

Mr. Buchanan to Mr. Pakenham.

The correspondence between Mr. Buchanan and Mr. Pakenham is concluded by a long and very able letter addressed by the former to the British minister. His views throughout are truly American, and breathe a spirit of honesty and patriotism which so eminently distinguish the writings of this valuable and learned statesman. He takes the arguments of Mr. Pakenham, one by one, and replies to them, in many instances, with success adducing all the statistical facts and documentary evidence to sustain his position and give currency to his opinions. The statement made by Mr. Pakenham, "that the treaty of 1790 is not appealed to by the British Government as their main reliance in the present discussion," is met on the other side by Mr. Buchanan, "that ever since 1826 the Nootka Convention has been regarded by the British Government as their strongest ground, if not their main reliance." Mr. B. quotes the declarations of Messrs. Huskisson and Ad-dington, as follows :

"Great Britain claims no exclusive sovereignty over any portion of that territory. Her present claim, not in respect to any part, but to the whole, is limited to a right of joint occupancy in common with other States, leaving the right of exclusive dominion in abeyance."

And again:

"By that convention (of Nootka) it was agreed that all parts of the northwestern coast of America, not already occupied at that time by either of the contracting parties, should thenceforward be equally open to the subjects of both for all purposes of commerce and settlement—the sovereignty remaining in abeyance."

But on this subject we are not left to mere inferences, however clear. The British commissioners, in their statement from which the undersigned has just quoted, have virtually abandoned any other title which Great Britain may have previously asserted to the territory in dispute, and expressly declare that—

"Whatever that title may have been heretofore, either on the part of

Great Britain or on the part of Spain, prior to the convention of 1790, *it was thenceforward no longer to be traced in vague narratives of discoveries, several of them admitted to be apocryphal, but in the text and stipulations of that convention itself.*"

And again, in summing up their whole case, they say:

"Admitting that the United States have acquired all the rights which Spain possessed up to the treaty of Florida, either in virtue of discovery, or, as is pretended, in right of Louisiana, Great Britain maintains that the nature and extent of these rights, as well as the rights of Great Britain, are fixed and defined by the convention of Nootka," &c.

To Mr. Pakenham's argument "that the United States can found no claim on discovery, exploration, and settlement effected previously to the Florida treaty, without admitting the principles of the Nootka convention," Mr. B. says, "this is a most ingenious method of making the distinct and independent titles held by the same nations worse than one of arraying them against each other, and thus destroying the validity of both. Does he forget that the United States own both of these titles, and can wield them either separately or conjointly at their pleasure? From the course of his remarks it might be supposed that Great Britain, and not the United States, had acquired the Spanish title under the Florida treaty. But Great Britain is a third party, an entire stranger to both of these titles, and has no right whatever to marshal the one against the other." Admitting, says Mr. Buchanan in another place, "that the discovery by Captain Gray of the mouth of the Columbia, its exploration by Lewis and Clark, and the settlement upon its banks at Astoria, were encroachments on Spain, she, and she alone, had a right to complain. The British minister attempts to prove, even if the Nootka Sound convention had never existed, the position of Great Britain, with regard to her claim, whether to the whole or any particular portion of the territory, "is at least as good as that of the United States." To which

Mr. Buchanan says, "in order to establish his position, he must show that the British claim is equal in validity to the titles of both Spain and the United States—these can never be separated, they are one and the same." He expresses his surprise that the British minister should again have invoked, in support of the British title, the inconsistencies between the Spanish and American branches of the title of the United States. Mr. Buchanan first confirms and illustrates the American title, 1st, by commending the frankness and candor of Mr. Pakenham in departing from the course of his predecessors, and speaks at considerable length of the discovery made by Juan de Fuca, a Grecian, in the service of Spain, in 1592. These voyages were published in London, in 1625, by Samuel Purchos, in a work called the "Pilgrims." A brief detail is here entered into of the discoveries of the Spaniards in 1774, enumerating the different places on the coast examined by these navigators, in company or separately. "Suffice it to say, that they landed at many places on the coast from the 41st to the 57th degree of latitude; on all of which occasions they took possession of the country in the name of their sovereigns, according to a prescribed regulation." After entering into a prolix and interesting argument touching the discoveries made by Haceta, Vancouver, and Captain Cook, he proposes to show that "the title of the United States to the portion of territory lying at the mouth of the Columbia, has been acknowledged by the most solemn and unequivocal acts of the British Government." Mr. Buchanan shows, after the purchase of Louisiana from France, an expedition was fitted out by this Government under Messrs. Lewis and Clark, who first explored the Columbia river. In 1811, the settlement by John Jacob Astor was made at Astoria. The war of 1812, between Great Britain and the United States, found

the latter in peaceable possession of that region. Astoria was captured during the war, but afterwards surrendered. With respect to the discovery of Thompson, Mr. Buchanan contends it has no bearing whatever. His journey was undertaken in behalf of the Northwest Company, for the mere purpose of anticipating the United States in the occupation of the mouth of the Columbia, "a territory to which no nation, unless it be Spain, could, with any show of justice, dispute their right." They had acquired it by discovery and exploration, and were now in the act of testifying possession. It was in an enterprise undertaken for such a purpose, that Thompson, in hastening from Canada to the mouth of the Columbia, discovered Nootka, arbitrarily assumed by Great Britain to be the main branch of the river. At this period it was too late to impair the title of either Spain or the United States by any such proceeding. In 1812, there was another trading post established by a party from Astoria, on the Spoken, about six hundred and fifty miles from the ocean. To sum up the whole, says Mr. Buchanan, Great Britain cannot rest her claims to the northwest coast of America upon discovery. As little will her single claim by settlement at Nootka Sound avail her. Even Belsham, her own historian, forty years ago declared it to be certain, from the most authentic information, "that the Spanish flag, flying at Nootka, was never struck, and that the territory has been virtually relinquished by Great Britain." Upon the whole, says Mr. Buchanan :

"From the most careful and ample examination which the undersigned has been able to bestow upon the subject, he is satisfied that the Spanish-American title, now held by the United States, embracing the whole territory between the parallel of 42 deg. and 54 deg. 40 min., is the best title in existence to this entire region; and that the claim of Great Britain to any portion of it has no sufficient foundation. Even British geographers have not doubted our title to the territory in dispute.

There is a large and splendid globe now in the Department of State, recently arrived from London, and published by Malby and Company, "manufacturers and publishers to the Society for the Diffusion of Useful Knowledge," which assigns this territory to the United States.

Notwithstanding such was and still is the opinion of the President, yet, in the spirit of compromise and concession, and in deference to the action of his predecessors, the undersigned, in obedience to his instructions, proposed to the British Plenipotentiary to settle the controversy by dividing the territory in dispute by the 49th parallel of latitude, offering, at the same time, to make free to Great Britain any port or ports on Vancouver's island, south of this latitude, which the British Government might desire. The British Plenipotentiary has correctly suggested that the free navigation of the Columbia river was not embraced in this proposal to Great Britain; but, on the other hand, the use of free ports on the southern extremity of this island had not been included in former offers.

Such a proposition as that which has been made never would have been authorized by the President had this been a new question.

Upon his accession to office he found the present negotiation pending. It had been instituted in the spirit and upon the principle of compromise; its object, as avowed by the negotiators, was not to demand the whole territory in dispute for either country, but, in the language of the first protocol, "to treat of the respective claims of the two countries to the Oregon territory, with the view to establish a permanent boundary between them westward of the Rocky Mountains to the Pacific Ocean."

Placed in this position, and considering that Presidents Monroe and Adams had, on former occasions, offered to divide the territory in dispute by the forty-ninth parallel of latitude, he felt it to be his duty not abruptly to arrest the negotiation, but so far to yield his own opinion as once more to make a similar offer.

Not only respect for the conduct of his predecessors, but a sincere and anxious desire to promote peace and harmony between the two countries, influenced him to pursue this course. The Oregon question presents the only intervening cloud which intercepts the prospect of a long career of mutual friendship and beneficial commerce between the two nations, and this cloud he desired to remove.

These are the reasons which actuated the President to offer a proposition so liberal to Great Britain.

And how has this proposition been received by the British Plenipo-

tentiary? It has been rejected, without even a reference to his own Government. Nay, more, the British Plenipotentiary, to use his own language, "trusts that the American Plenipotentiary will be prepared to offer some further proposal for the settlement of the Oregon question *more consistent with fairness and equity, and with the reasonable expectations of the British Government.*"

Under such circumstances, the undersigned is instructed by the President to say that he owes it to his own country, and a just appreciation of her title to the Oregon territory, to withdraw the proposition to the British Government which had been made under his direction; and it is hereby accordingly withdrawn.

In taking this necessary step, the President still cherishes the hope that this long-pending controversy may yet be finally adjusted in such a manner as not to disturb the peace or interrupt the harmony now so happily subsisting between the two nations.

Here this long and interesting correspondence ends, and as far as the settlement of the question is concerned, nothing has been done to bring about "an equitable compromise." The representatives of both nations have each presented with dignity and respect their arguments and views, obviously with the hope of ending the controversy in a creditable and honorable manner; but they have failed; and the question is presented, without having advanced at all towards a close, for the discussion and consideration of the representatives of the people. We humbly trust that a war will be the last resort. It is very certain that, if our title to the whole of Oregon is urged, after the admissions that have been made, the most disastrous war known to our history must ensue, because it would be waged with means so destructive, and under circumstances so aggravating, as to give rise to the most distressing and painful consequences. Our policy is peace—we are unprepared for war—our national spirit is against it. Valor we lack not; but our men are unorganized and undisciplined. We have means in abundance. The war cry would open

the pockets of all men; they would be fired at once with a spirit of patriotism, and the nation would be thoroughly aroused from one end to the other. But let us take heed lest a step is taken that will plunge the country in bloodshed and distress, destroying all business relations, and literally upsetting our commerce, and all that pertains to national greatness and prosperity. We have no right to disturb the peace of the world without good cause. During the late war we were provoked to hostility, and sustained by the unanimous voice of the family of nations. It was no thoughtless step, taken in the heat of clashing interests and intestine commotion; the flag of our country was grossly insulted, our ships seized, confiscated, and burned, our coast blockaded and men killed, and we were absolutely compelled to declare war, or suffer injuries and insults. Not so now. We cannot think that the national honor is involved, and that redress should be sought. This is a question of relative right of ownership to a very few degrees of territory, that should be settled by peaceable negotiation and compromise on the principles of international law. If England declares war, let us collect our strength, muster our armaments, and put forth our naval power, as we have done on former occasions, and exert our skill to the utmost.

We trust, in conclusion, that a kind Providence may watch over our people, and direct us in the right way; and that prudent and wise councils may prevail, bringing the subject, so long in dispute, to a happy termination, to the honor of both Governments, and to the satisfaction of both nations.

APPENDIX,

Containing the Diplomatic Correspondence, Treaties and Negotiations, between Russia, Spain, Great Britain and the United States, as contained in the excellent work of Lieutenant George Wilkes

(No. 1.)

Convention between the United States and Russia, signed at St. Petersburg, on the 17th of April, 1824.

Art. 1. It is agreed that, in any part of the great ocean commonly called the Pacific ocean, or South sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

Art. 2. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the northwest coast.

Art. 3. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54 degrees and 40 minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

Art. 4. It is nevertheless understood that, during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the pre-

ceding article, for the purpose of fishing and trading with the natives of the country.

Art. 5. All spirituous liquors, fire arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article ; and the two powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives, by their respective citizens or subjects, nor by any person who may be under their authority. It is likewise stipulated, that this restriction shall never afford a pretext, nor be advanced in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever, towards the merchants or the crews who may carry on this commerce ; the high contracting powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishment, in case of the contravention of this article by their respective citizens or subjects.

(No. 2.)

THE FRENCH TITLE.

Extract from the Report of the Committee on Military Affairs, made in Congress, in 1843.

“The treaty of Utrecht was concluded in 1713. By the tenth article, it was agreed, between Great Britain and France, to determine, within one year, by commissioners, the limits between the Hudson’s Bay and the places appertaining to the French. The same commissioners were also authorized to settle, in like manner, the boundaries between the other British and French colonies in those parts. Commissioners were accordingly appointed by the two powers, and there is strong reason to believe they actually established the boundaries according to the terms of the treaty, although no formal record of the fact now exists. The evidence that the boundaries were thus established is, first, the fact of the appointment of the commissioners for that express purpose, and that two distinct lines may be found traced on different maps, published in the last century, each purporting to be the limits between the Hudson’s Bay territories, on the north, and the French possessions, on the south, fixed by commissioners according to the treaty of Utrecht. One of these lines is drawn irregularly from the Atlantic to a point in the 49th

parallel of latitude, south of the southernmost part of the Hudson's bay, and thence westward along that parallel to Red river, and in some maps still further west. This line is generally considered in the United States, and has been assumed by their Government, as the true boundary, settled by the commissioners agreeably to the treaty abovementioned. Thus, we find Messrs. Monroe and Pinckney, at Madrid, in 1805, writing to the Spanish minister as follows: 'In conformity with the tenth article of the first mentioned treaty, (treaty of Utrecht,) the boundary between Canada and Louisiana, on the one side, and the Hudson's Bay and Northwestern Companies, on the other, was established by commissioners, by a line to commence at a cape or promontory on the ocean, in 58 degrees and 31 minutes north latitude; to run thence southwestwardly to latitude 49 degrees north from the equator, and along that line indefinitely westward.' These extracts are taken from the memoir of Mr. Greenhow, who, it is proper to add, considers the opinion, that these boundary lines were actually established by the commissioners, 'at variance with the most accredited authorities.' In this opinion the committee do not concur; so far from doing so, it is thought the presumption, that the 49th parallel was adopted by the commissioners under the treaty of Utrecht, is strengthened by the line of demarcation subsequently agreed on by the treaty of Versailles, in 1763, between France and Great Britain; and also by the treaty of peace, of 1783, between the United States and Great Britain. By the former, the confines between the British and French possessions were irrevocably fixed 'by a line drawn along the middle of the Mississippi, from its source, to the Iberville,' etc. By the latter, that part of the northern boundary of the United States, which is applicable to the subject, is described to be through the Lake of the Woods, 'to the most northwestern point thereof, and from thence on a due west course to the Mississippi river.' The most northwestern point of the Lake of the Woods is perhaps a few minutes north of the 49th parallel of latitude. By the convention of 1818, between the United States and Great Britain, in the second article, it is agreed, that a line drawn from the most northwestern point of the Lake of the Woods, along the 49th parallel of north latitude, or, if the said point shall not lie in the 49th parallel of north latitude, then that a line drawn from the said point, due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west, along and with said parallel, shall be the line of demarcation be-

tween the territories of the United States and those of his Britannic Majesty; and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territory of his Britannic Majesty, from the Lake of the Woods to the Stony mountains.

This line, it will be observed, is a deviation from the boundary established by the treaty of 1783; for that was to extend due west from the northwestern point of the Lake of the Woods, without any reference to its latitude. By this we are, in the contingency named, to run, by the shortest line, from the specified point on the Lake of the Woods to the forty-ninth parallel of latitude. Whence, it may be asked, the solicitude to adopt this particular parallel, except as it corresponded with pre-existing arrangements, which could have been made under the provisions of the treaty of Utrecht alone; for under no other had any reference, at that time, been made to the said forty-ninth degree.

This coincidence between the boundaries established by Great Britain and France, in 1763, and between Great Britain and the United States, 1783 and 1818, can scarcely be accounted for on any other supposition, than that the said line had been previously established by the commissioners under the treaty of Utrecht. This conclusion is strengthened by a further coincidence in the boundaries fixed in the said treaties of 1763 and 1783. In both the Mississippi is adopted as the boundary. One of the lines, then, (the Mississippi,) previously established between Great Britain and France, being thus, beyond all cavil, adopted between the United States and Great Britain, may it not be fairly inferred, in the absence of all proof to the contrary, and with strong corroborating proof in favor of the inference drawn from the stipulation of treaties, lines of demarcation on old maps, &c., that the other line, (forty-ninth parallel,) equally beyond cavil established by the United States and Great Britain, was also the same one previously existing between Great Britain and France? But such line had no existence, unless under the stipulations of the treaty of Utrecht. For these reasons, the committee have adopted the opinion, that the forty-ninth parallel of latitude was actually established by the commissioners under that treaty. It may not be unimportant here to observe, that this forty-ninth parallel is not a random line arbitrarily selected, but the one to which France was entitled upon the well-settled principle, that the first discoverer of a river is entitled, by virtue of that discovery, to all the unoccupied territory watered by that river and its tributaries.

We have seen that, by the treaty of 1763, the Mississippi, from its source, was adopted as a line of demarcation between the British and French possessions. Louisiana then extended north as far as that river reached. In other words, it stretched along the whole course of the Mississippi, from its source, in about latitude forty-nine, to its mouth, in the Gulf of Mexico, in latitude twenty-nine. By the stipulations, then, of this treaty alone, without calling in the aid of the previous treaty of Utrecht, the northern boundary of Louisiana is clearly recognised as a line drawn due west from the source of the Mississippi. We say due west, because the east line alone of the boundaries of Louisiana being specifically and in express terms established by the treaty, her surface can only be ascertained by the extension of that whole line in the direction in which her territory is admitted to lie. This simple and only practicable process of giving to Louisiana any territory under the treaty fixes, as the whole of her northern boundary, a line running due west from the source of the Mississippi, which may, for the purpose of this argument, be fairly assumed as the forty-ninth parallel, without injustice to any party.

Having thus ascertained the northern boundary of Louisiana, it becomes important to inquire, what were its western limits, as between Great Britain and France? We say between Great Britain and France, because here another competitor appeared, (we speak of 1763,) in the person of the King of Spain, upon whose title we shall insist, if we fail to establish that of France.

The treaty of 1763, professing to establish, and actually establishing, lines of demarcation between the contiguous territories of the contracting parties, it cannot be denied, except upon strong proof, that all the boundaries about which any disputes then existed, or subsequent disputes could be anticipated, (that is, where these respective territories touched each other,) were then definitely adjusted and settled. These territories are known to have touched on the north or on the east, and, accordingly, in those quarters, we find the lines clearly described. Is it not evident that, had they touched on other points, had there been other quarters where questions of conflicting claims might have arisen, the lines in those quarters also would have been fixed with equal precision? But to the south and west there is no allusion in the treaty; an omission, conclusive of the fact that, in those directions, Great Britain had no territory contiguous to Louisiana. But Louisiana extended, by the stipulations of the treaty, west from the Mississippi; and

Great Britain, having no territory, or claim to territory, which could arrest her attention in that direction, is precluded from denying that the French title covered the whole country from that river to the shores of the Pacific Ocean.

The parties to the treaty of 1763 made partition of almost the whole continent of North America, assigning to England the territory east of the Mississippi, and north of the 49th parallel of latitude. No claim was at that time advanced by Great Britain to territory in any other quarter of this vast continent—a very pregnant conclusion against the existence of any such claim. Her government, ever vigilant for the increase of her territory, with a view of the extension of her commerce, manifested upon the occasion of this treaty an avidity of acquisition which the continent was scarcely large enough to satisfy. Never very nice in scrutinizing the foundation of her pretensions, nor over scrupulous in the selection of means to enforce them, she was, at this junction, in a position peculiarly auspicious to the gratification of her absorbing passion of territorial aggrandizement. Conqueror at every point, she dictated the terms of peace, and asserted successfully every claim founded in the slightest pretext of right. Still, no title is either advanced, or even intimated, to possessions west of the Mississippi. Mr. Cushing, of Massachusetts, in a report from the Committee on Foreign Relations, to the House of Representatives, made January 4, 1838, has the following sentences: "As, between France and Great Britain, the question (of boundary) would seem to be concluded by the treaty of Versailles, already cited, which in Great Britain relinquishes, irrevocably, all pretensions west of the Mississippi, on the footing of the treaty of Utrecht, ratified by our convention of 1818, England may possibly, by extension of contiguity, carry her possessions from Hudson's Bay across to the Pacific, north of latitude 49 degrees; but by the treaty of Versailles we possess the same right, and an exclusive one, to carry our territory across the continent, south of that line, in the right of France."

It may, perhaps, be urged that the limits of Louisiana, on the west, are confined to the territory drained by the Mississippi and its tributaries; the extent of her claim founded on the discovery of that river being restricted to the country so drained. The principle upon which this limitation is attempted may be safely admitted, without in any degree affecting the right for which we contend; because, first, Great Britain is precluded from asserting it by her admission, in 1763, that

Louisiana extended indefinitely west from the Mississippi; and second, because the principle being of universal application, if the discovery of the Mississippi by the French confine Louisiana to its waters east of the Rocky mountains, the discovery of the Columbia by the Americans will extend their claim to the whole country watered by that great river west of those mountains, and our true claim has this extent. Yet, to avoid unprofitable disputes, and for the sake of peace, we have expressed a willingness (met in no corresponding spirit, the committee is sorry to say) to confine ourselves to much narrower limits.

(No. 3.)

Copy of the Convention between his Britannic Majesty and the King of Spain, commonly called the Nootka Treaty, of October, 1790.

Art. 1st. The buildings and tracts of land situated on the northwest coast of the continent of North America, or on the islands adjacent to that continent, of which the subjects of his Britannic Majesty were dispossessed about the month of April, 1789, by a Spanish officer, shall be restored to the said British subjects.

Art. 2d. A just reparation shall be made, according to the nature of the case, for all acts of violence and hostility which may have been committed subsequent to the month of April, 1789, by the subjects of either of the contracting parties against the subjects of another; and, in case said respective subjects shall, since the same period, have been forcibly dispossessed of their lands, buildings, vessels, merchandise, and other property whatever on said continent, or on the seas and islands adjacent, they shall be re-established in the possession thereof, or a just compensation shall be made to them for the losses which they have sustained.

Art. 3d. In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested, either in negotiating or carrying on their fisheries in the Pacific ocean or in the South seas, or in landing on the coast of these seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there; the whole subject, nevertheless, to the instructions specified in these following articles.

Art. 4th. His Britannic Majesty engages to take the most effectual measures to prevent the navigation and the fishing of his subjects in the Pacific ocean, or in the South seas, from being made a pretext for illicit trade with the Spanish settlements; and, with this view, it is moreover expressly stipulated, that British subjects shall not navigate or carry on their fishing in the said seas, within the space of ten sea leagues from any part of the coasts already occupied by Spain.

Art. 5th. As well in the places which are to be restored to the British subjects by virtue of the first article, as in all other parts of the northwestern coast of America, or of the islands adjacent, situate to the north of the parts of the said coast already occupied by Spain, wherever the subjects of the two powers shall have made settlements, since the month of April, 1789, or shall hereafter make any disturbance or molestation.

Art. 6th. With respect to the eastern and western coasts of South America, and to the islands adjacent, which are already occupied by Spain, provided, that the said respective subjects shall retain the liberty of landing on the coasts and islands so situated, for the purposes of their fishery, and of erecting thereon huts and other temporary buildings, serving only for those purposes.

Art. 7th. In all cases of complaint, or infraction of the articles of the present convention, the officers of either party, without permitting themselves previously to commit any violence or acts of force, shall be bound to make an exact report of the affair, and of its circumstances, to their respective courts, who will terminate such differences in an amicable manner.

Art. 8. The present convention shall be ratified and confirmed in the space of six weeks, to be computed from the day of its signature, or sooner, if it can be done.

In witness whereof, we, the undersigned, plenipotentiaries of their Britannic and Catholic Majesties, have, in their names, and by virtue of respective full powers, signed the present convention, and set thereto the seals of our arms. Done at the palace of St. Lawrence, the 28th of October, 1790.

[L. s.]

EL CONDE DE FLORIDA BLANCA.

[L. s.]

ALLEYNE FITZHEBERT.

[Nos. 4 and 5 of the appendix, consisting of a correspondence between Captains Gray and Ingraham and the Spanish commissioner at

Nootka, in 1792, and an extract from Captain Gray's log book respecting the occurrences in the Columbia river on his first visit, though referred to in the preceding pages, were deemed to be of not enough importance to warrant any further increase of this portion of the work.]

(NO. 6.)

*British Statement, of 1826.**

The Government of Great Britain, in proposing to renew for a further term of years the third article of the convention of 1818, respecting the territory on the northwest coast of America, west of the Rocky Mountains, regrets that it has been found impossible, in the present negotiation, to agree upon a line of boundary which should separate those parts of that territory, which might henceforward be occupied or settled by the subjects of Great Britain, from the parts which would remain open to occupancy or settlement by the United States.

To establish such a boundary must be the ultimate object of both countries. With this object in contemplation, and from a persuasion that a part of the difficulties which have hitherto prevented its attainment is to be attributed to a misconception, on the part of the United States, of the claims and views of Great Britain in regard to the territory in question, the British plenipotentiaries deem it advisable to bring under the notice of the American plenipotentiary a full and explicit exposition of those claims and views.

As preliminary to this discussion, it is highly desirable to mark distinctly the broad difference between the nature of the rights claimed by Great Britain, and those asserted by the United States, in respect to the territory in question.

Over a large portion of that territory, namely, from the 42d degree to the 49th degree of north latitude, the United States claim full and exclusive sovereignty.† Great Britain claims no exclusive sovereignty over any portion of that territory.‡

*This statement is here inserted in full, because it is a complete synopsis of all the pretensions of Great Britain, and, being the groundwork of her claims, is particularly interesting as showing the other side of the story.

†At the period of this convention, the United States plenipotentiary was instructed to agree to the extension of our northern boundary line westward, from the Lake of the Woods, along parallel 49° to the Pacific; with the further instruction that, in case such a compromise should not be accepted, we should feel ourselves entitled, thereafter, to insist upon the full measure of our rights.

‡It has exercised it, nevertheless.

Her present claim, not in respect to any part, but to the whole, is limited to a right of joint occupancy, in common with other States, leaving the right of exclusive dominion in abeyance. In other words, the pretensions of the United States tend to the ejection of all other nations, and, among the rest, of Great Britain, from all right of settlement in the district claimed by the United States.*

The pretensions of Great Britain, on the contrary, tend to the mere maintenance of her own rights, in resistance to the exclusive character of the pretensions of the United States.

Having thus stated the nature of the respective claims of the two parties, the British plenipotentiaries will now examine the grounds on which those claims are founded.

The claims of the United States are urged upon these grounds:

1st. As resulting from their own proper right.

2d. As resulting from a right derived to them from Spain—that power having, by the treaty of Florida, concluded with the United States in 1819, ceded to the latter all their rights and claims on the western coast of America north of the 42d degree.

3d. As resulting from a right derived to them from France, to whom the United States succeeded, by treaty, in possession of the province of Louisiana.

The first right, or right proper, of the United States, is founded on the alleged discovery of the Columbia river, by Mr. Gray, of Boston, who, in 1792, entered that river, and explored it to some distance from its mouth.

To this is added the first exploration, by Lewis and Clarke, of a main branch of the same river, from its source downwards, and also the alleged priority of settlement, by citizens of the United States, of the country in the vicinity of the same river.

The second right, or right derived from Spain, is founded on the alleged prior discovery of the region in dispute by Spanish navigators, of whom the chief were, first, Cabrillo, who, in 1543, visited that coast as far as 44 degrees north latitude; second, De Fuca, who, as it is affirmed, in 1598 entered the straits known by his name, in latitude 49 degrees; third, Guelli, who, in 1582, is said to have pushed his researches as high as 57 degrees north latitude; fourth, Perez, and others,

*Truly so; and this must always be the case between rightful owners and mere pretenders.

who, between the years 1774 and 1792, visited Nootka sound and the adjacent coasts. The third right, derived from the cession of Louisiana to the United States, is founded on the assumption that that province, its boundaries never having been exactly defined longitudinally, may fairly be asserted to extend westward across the Rocky Mountains to the shore of the Pacific.

Before the merits of these respective claims are considered, it is necessary to observe, that one only out of three can be valid. They are, in fact, claims obviously incompatible the one with the other. If, for example, the title of Spain by first discovery, or the title of France as the original possessor of Louisiana, be valid, then must one or the other of those kingdoms have been the lawful possessor of that territory at the moment when the United States claim to have discovered it. If, on the other hand, the Americans were the first discoverers, there is necessarily an end of the Spanish claim; and, if priority of discovery constitutes the title, that of France falls equally to the ground.

Upon the question, how far prior discovery constitutes a legal claim to sovereignty, the law of nations is somewhat vague and undefined. It is, however, admitted by the most approved writers that mere accidental discovery, unattended by exploration, by formally taking possession in the name of the discoverer's sovereign—by occupation and settlement, more or less permanent—by purchase of the territory, or receiving the sovereignty from the natives—constitutes the lowest degree of title; and that it is only in proportion as first discovery is followed by any or all of these acts, that such title is strengthened and confirmed.

The rights conferred by discovery, therefore, must be discussed on their own merits.

But, before the British plenipotentiaries proceed to compare the relative claims of Great Britain and the United States in this respect, it will be advisable to dispose of the two other grounds of right put forward by the United States.

The second ground of claim advanced by the United States is the cession made by Spain to the United States by the treaty of Florida, in 1819.

If the conflicting claims of Great Britain and Spain, in respect to all that part of the coast of North America, had not been finally adjusted by the convention of Nootka, in the year 1790, and if all the arguments and pretensions, whether resting on the priority of discovery, or derived from any other consideration, had not been definitely set at rest by the

signature of that convention, nothing would be more easy than to demonstrate that the claims of Great Britain to that country, as opposed to those of Spain, were so far from being visionary or arbitrarily assumed, that they established more than a parity of title to the possession of the country in question, either as against Spain or any other nation. By no means. An equitable settlement might at one time have divided the territory between the two first parties claimant; and their joint release in favor of the United States, while it makes absolutely against Great Britain, strengthens the title of the United States in the same degree. Whatever that title may have been, however, either on the part of Great Britain or on the part of Spain, prior to the convention of 1790, it was from thenceforward no longer to be traced in vague narratives of discoveries, (several of them admitted to be apocryphal,) but in the text and stipulations of that convention itself. By that convention it was agreed that all parts of the northwestern coast of America, not already occupied at that time by either of the contracting parties, should thenceforward be equally open to the subjects of both for all purposes of commerce and settlement, the sovereignty remaining in abeyance.

In this stipulation, as it has been already stated, all tracts of country claimed by Spain and Great Britain, or accruing to either, in whatever manner, were included.

The rights of Spain on that coast were, by the treaty of Florida, in 1819, conveyed by Spain to the United States. With those rights the United States necessarily succeeded to the limitations by which they were defined, and the obligations under which they were to be exercised. From those obligations and limitations, as contracted towards Great Britain, Great Britain cannot be expected gratuitously to release those countries, merely because the rights of the party originally bound have been transferred to a third power.

The third ground of claim of the United States rests on the right supposed to be derived from the cession to them of Louisiana by France.

In arguing this branch of the question, it will not be necessary to examine in detail the very dubious point of the assumed extent of that province, since, by the treaty between France and Spain of 1763, the whole of that territory, defined or undefined, real or ideal, was ceded by France to Spain, and, consequently, belonged to Spain, not only in 1790, when the convention of Nootka was signed between Great Britain and Spain, but also, consequently, in 1792, the period of Gray's discovery of the mouth of the Columbia. If, then, Louisiana embrac-

ed the country west of the Rocky Mountains, to the south of the 49th parallel of latitude, it must have embraced the Columbia itself, which that parallel intersects; and, consequently, Gray's discovery must have been made in a country avowedly already appropriated, necessarily included, with all other Spanish possessions and claims in that quarter, in the stipulations of the Nootka convention.

Even if it could be shown, therefore, that the district west of the Rocky Mountains was within the boundaries of Louisiana, that circumstance would in no way assist the claim of the United States.

It may nevertheless be worth while to expose, in a few words, the futility of the attempt to include that district within those boundaries. For this purpose, it is only necessary to refer to the original grant of Louisiana, made to De Crozat, by Louis XIV, shortly after its discovery by La Salle. That province is therein expressly described as "the country drained by the waters entering directly or indirectly into the Mississippi. Now, unless it can be shown that any of the tributaries of the Mississippi cross the Rocky Mountains from the west to the east, it is difficult to conceive how any part of Louisiana can be found to the west of that ridge.

There remains to be considered the first ground of claim advanced by the United States to the territory in question, namely, that founded on their own proper right as first discoverers and occupiers of the territory.

If the discovery of the country in question, or rather the mere entrance into the mouth of the Columbia by a private American citizen, be, as the United States assert, (although Great Britain is far from admitting the correctness of the assertion,) a valid ground of national and exclusive claim to all the country situated between the 42d and 49th parallels of latitude, must any preceding discovery of the same country, by an individual of any other nation, invest such nation with a more valid, because a prior, claim to that country.

Now, to set aside, for the present, Drake, Cook, and Vancouver, who, all of them, either took possession of, or touched at, various points of the coast in question, Great Britain can show that, in 1788—that is, four years before Gray entered the mouth of the Columbia river—Mr. Meares, a lieutenant of the royal navy,* who had been sent by the

* Meares was a Portuguese hireling, and not in any branch of English service; and though a speculating half-pay lieutenant, was, to all intents and purposes, as much a private citizen as Captain Gray. See Appendix No. 10.

East India Company on a trading expedition to the northwest coast of America, had already minutely explored that coast, from the 49th degree to the 54th degree north latitude; had taken formal possession of the Straits of De Fuca, in the name of his sovereign; had purchased land, trafficked, and formed treaties* with the natives; and had actually entered the bay of the Columbia, to the northern head land of which he gave the name of Cape Disappointment†—a name which it bears to this day.

Dixon, Scott, Duncan, Strange, and other private British traders, had also visited these shores and countries several years before Gray; but the single example of Meares suffices to quash Gray's claim to prior discovery. To the other navigators above mentioned, therefore, it is unnecessary to refer more particularly.

It may be worth while, however, to observe, with regard to Meares, that his account of his voyages was published in London in August, 1790; that is, two years before Gray is even pretended to have entered the Columbia.‡

To that account are appended, first, extracts from his log-book; secondly, maps of the coasts and harbors which he visited, in which every part of the coast in question, including the bay of the Columbia, (into which the log expressly states that Meares entered,) is minutely laid down, its delineation tallying, in almost every particular, with Vancouver's subsequent survey, and with the description found in all the best maps of that part of the world adopted at this moment; thirdly, the account in question actually contains an engraving, dated in August, 1790, of the entrance of De Fuca's straits, executed after a design taken in June, 1788, by Meares himself.§ With these physical evidences of authenticity, it is needless to contend for, as it is impossible to controvert, the truth of Meares's statement.

It was only on the 17th of September, 1792, that the Washington, commanded by Mr. Gray, first made her appearance at Nootka.

If, therefore, any claim to these countries, as between Great Britain and the United States, is to be deduced from priority of the discovery,

*The only treaty he formed was an agreement with Maquinna, the king of the surrounding country, granting him leave to make a temporary settlement.

†“Cape Disappointment,” because he failed to discover the river he sought.

‡That is to say, he was “disappointed” two years before Capt. Gray was satisfied.

§It will be recollected, it was “Meares himself” who despatched word to England of the wonderful discoveries of Capt. Gray, in the strait of Fuca.

the above exposition of the dates and facts suffices to establish that claim in favor of Great Britain on a basis too firm to be shaken.

It must, indeed, be admitted that Mr. Gray, finding himself in the bay formed by the discharge of the waters of the Columbia into the Pacific, was the first to ascertain that this bay formed the outlet of a great river—a discovery which had escaped Lieut. Meares, when, in 1788, four years before, he entered the same bay.

But, can it be seriously urged that this single step in the progress of discovery not only wholly supersedes the prior discoveries, both of the bay and the coast, by Lieut. Meares, but equally absorbs the subsequent exploration of the river by Capt. Vancouver, for near a hundred miles above the point to which Mr. Gray's ship had proceeded, the formal taking possession of it by that British navigator, in the name of his sovereign, and also all the other discoveries, exploration, and temporary possession and occupation, of the ports and harbors on the coast, as well of the Pacific as within the straits of De Fuca, up to the 49th parallel of latitude?*

This pretension, however extraordinary it is, does not embrace the whole of the claim which the United States build upon the limited discovery of Mr. Gray, namely, that the bay of which Cape Disappointment is the northernmost headland is, in fact, the embouchure of a river. That mere ascertainment, it is asserted, confers on the United States a title, in exclusive sovereignty, to the whole extent of country drained by such river, and by all its tributary streams.

In support of this very extraordinary pretension, the United States allege the precedent of grants and charters accorded in former times to companies and individuals, by various European sovereigns, over several parts of the American continent. Among other instances, are adduced the charters granted by Elizabeth, James I., Charles II., and George II., to sundry British subjects and associations,† as also the grant made by Louis XIV. to De Crozat, building, on the express condition that, when he finally left the coast, "the house and all the goods thereunto belonging" should fall into that chief's possession—a

*No; we claim these latter on the ground of other discoveries, and also on the score of Spain.

†This is a wilful perversion, to say the least of it. The United States, in proving the principle, merely alluded to these latter charters, as instances of Britain's recognition of the rule with her own subjects, or, in other words, when it ran in favor of herself. While the correctness and usage of the principle was otherwise indubitably proved, the above instances were merely brought forward as a conclusive rebuke to Britain's opposition to its application to us.

condition, by the way, which Meares dishonestly failed to fulfil, for the boards were struck off and taken on board one of his vessels, and the roof was given to Captain Kendrick.

It was on the ground of these charters, together with the application of their rule to the pretended discovery of the Columbia river by Vancouver and Meares, that we felt warranted in asserting, on the 31st page, that Great Britain advances the principle herself, over the tract of country watered by the Mississippi and its tributaries.

But, can such charters be considered an acknowledged part of the law of nations? Were they any thing more, in fact, than a cession, of grantee or grantees, of whatever rights the grantor might suppose himself to possess, to the exclusion of other subjects of the same sovereign—charters binding and restraining those only who were within the jurisdiction of the grantor, and of no force or validity against the subjects of other states, until recognised by treaty, and thereby becoming a part of international law.

Had the United States thought proper to issue, in 1790, by virtue of their national authority, a charter granting to Mr. Gray the whole extent of country watered, directly or indirectly, by the river Columbia,* such a charter would no doubt have been valid in Mr. Gray's favor, as against all other citizens of the United States.

But, can it be supposed that it would have been acquiesced in by either of the powers, Great Britain and Spain, which, in that same year, were preparing to contest by arms the possession of the very country which would have been the subject of such a grant?

If the right of sovereignty over the territory in question accrues to the United States by Mr. Gray's discovery, how happens it that they never protested against the violence done to that right by the two powers, who, by the convention of 1790, regulated their respective rights in and over a district so belonging, as it is now asserted, to the United States?

This claim of the United States to the territory drained by the Columbia and its tributary streams, on the ground of one of their citizens having been the first to discover the entrance of that river, has been here so far entered into, not because it is considered to be necessarily entitled to notice, since the whole country watered by the Columbia

*These Englishmen are crazy; the Columbia was not discovered by Capt. Gray till 1792. If the above is intended as an illustration only, the instance is as weak as the previous arguments are inconclusive.

falls within the provisions of the convention of 1790, but because the doctrine above alluded to has been put forward so broadly, and with such confidence, by the United States, that Great Britain considered it equally due to herself and to the powers to enter her protest against it.

The United States further pretend that their claim to the country in question is strengthened and confirmed by the discovery of the sources of the Columbia, and by the exploration of its course to the sea, by Lewis and Clarke, in 1805-'6.

In reply to this allegation, Great Britain affirms, and can distinctly prove, that, if not before, at least in the same and subsequent years, her Northwestern Trading Company had, by means of their agent, Mr. Thompson, already established their posts among the Flathead and Kootanie tribes, on the head waters of the northern or main branch of the Columbia, and were already extending them down the principal stream of that river; thus giving to Great Britain, in this particular again, as in the discovery of the mouth of the river, a title to parity at least, if not priority of discovery, as opposed to the United States. It was from those posts that, having heard of the American establishment forming, in 1811, at the mouth of the river, Mr. Thompson hastened thither, descending the river, to ascertain the nature of that establishment.

Some stress having been laid by the United States on the restitution to them of Fort George by the British, after the termination of the last war, which restitution they represent as conveying a virtual acknowledgment by Great Britain of the title of the United States to the country in which that post was situated, it is desirable to state, somewhat in detail, the circumstances attending that restitution.

In the year 1815, a demand for the restoration of Fort George was first made to Great Britain by the American Government, on the plea that the first article of the treaty of Ghent stipulated the restitution to the United States of all posts and places whatsoever taken from them by the British during the war, in which description Fort George (Astoria) was included.

For some time the British Government demurred to comply with the demand of the United States, because they entertained doubts how far it could be sustained by the construction of the treaty.

In the first place, the trading post, called Fort Astoria, (or Fort George,) was not a national possession; in the second place, it was not

* We have seen that Mr. Thompson came too late.

a military post; and thirdly, it was never captured from the Americans by the British. It was, in fact, conveyed in regular commercial transfer, and accompanied by a bill of sale, for a sum of money, to the British company, who purchased it, by the American company, who sold it of their own free will. It is true that a British sloop of war had, about that time, been sent to take possession of that, but she arrived subsequently to the transaction above mentioned between the two companies, and found the British company already in legal occupation of their self-acquired property.

In consequence, however, of that ship having been sent out with hostile views, although those views were not carried into effect, and in order that not even a shadow of reflection might be cast upon the good faith of the British Government, the latter determined to give the most liberal extension to the terms of the treaty of Ghent, and in 1818 the purchase which the British company had made in 1813 was restored to the United States.

Particular care, however, was taken, on this occasion, to prevent any misapprehension as to the extent of the concession made by Great Britain. Viscount Castlereagh, in directing the British minister at Washington, to intimate the intention of the British Government to Mr. Adams, then Secretary of State, uses these expressions, in a despatch dated 7th February, 1818:

“You will observe, that, whilst this Government is not disposed to contest with the American Government the point of possession as it stood in the Columbia river at the moment of the rupture, they are not prepared to admit the validity of the title of the Government of the United States to this settlement.

“In signifying, therefore, to Mr. Adams the full acquiescence of your Government in the re-occupation of the limited position which the United States held in that river at the breaking out of the war, you will, at the same time assert, in suitable terms, the claim of Great Britain to that territory, upon which the American settlement must be considered as an encroachment.”

This instruction was executed verbally by the person to whom it was addressed. The following is a transcript of the act by which the fort was delivered up by the British into the hands of Mr. Prevost, the American agent:

“In obedience to the command of H. R. H., the prince regent, signified in a despatch from the right honorable the Earl Bathurst, address-

ed to the partners or agents of the Northwest Company, bearing date the 27th of January, 1818, and in obedience to a subsequent order, dated the 26th of July, from W. H. Sheriff, esq., Captain H. M. ship *Andromache*, we, the undersigned, do, in conformity to the first article of the treaty of Ghent, restore to the Government of the United States, through its agent, J. P. Prevost, esq., the settlement of Fort George, on the Columbia river.

“Given under our hands, in triplicate, at Fort George, (Columbia river,) this 6th day of October, 1818.

“F. HICKEY, *Captain H. M. ship Blossom.*

“J. KEITH, *of the N. W. Co.*”

The following is the despatch from Earl Bathurst to the partners of the Northwest Company, referred to in the above act of cession:

“DOWNING STREET, *27th January, 1818.*

“Intelligence having been received that the United States’ sloop of war *Ontario* has been sent by the American Government to establish a settlement on the Columbia river, which was held by that State on the breaking out of the last war, I am to acquaint you that it is the Prince Regent’s pleasure, (without, however, admitting the article of the treaty of Ghent,) due facility should be given to the re-occupation of the said settlement by the officers of the United States. And I am to desire that you would contribute as much as lies in your power to the execution of his royal highness’s commands.

“I have, &c., &c.

BATHURST.”

“*To the partners or agents of the*

“*Northwest Company residing on the Columbia river.*”

The above documents put the case of the restoration of Fort Astoria in too clear a light to require further observation. The case, then, of Great Britain, in respect to the country west of the Rocky Mountains, is shortly this:

Admitting that the United States had acquired all the rights which Spain possessed up to the treaty of Florida, either in virtue of discovery or, as is pretended, in right of Louisiana, Great Britain maintains that the nature and extent of those rights, as well as of the rights of Great Britain, are fixed and defined by the convention of Nootka; that these rights are equal for both parties; and that, in succeeding to the rights

of Spain, under that convention, the United States must also have succeeded to the obligations which it imposed.

Admitting, further, the discovery of Mr. Gray to the extent already stated, Great Britain, taking the whole line of the coast in question, with its straits, harbors, and bays, has stronger claims, on the ground of prior discovery, attended with acts of occupancy and settlement, than the United States.

Whether, therefore, the United States rest their claims upon the title of Spain, or upon that of prior discovery, or upon both, Great Britain is entitled to place her claims at least upon a parity with those of the United States.

It is a fact, admitted by the United States, that, with the exception of the Columbia river, there is no river that opens into the interior on the whole western coast of the Pacific Ocean.

In the interior of the territory in question the subjects of Great Britain have had, for many years, numerous settlements and trading-posts; several of those posts are on the tributary streams of the Columbia, several on the Columbia itself, some to the northward, and others to the southward of that river; and they navigate the Columbia as the sole channel for the conveyance of their produce to the British stations nearest the sea, and for the shipment of it from thence to Great Britain. It is also the channel for their annual supplies from Great Britain.*

In the whole of the territory in question the citizens of the United States have not a single settlement or trading-post. They do not use that river either for the purpose of transmitting or receiving any produce of their own to or from other parts of the world.

In this state of the relative rights of the two countries, and of the relative exercise of those rights, the United States claim the exclusive possession of both banks of the Columbia, and subsequently that of the river itself; offering, it is true, to concede to British subjects a conditional participation in that navigation; but subject, in any case, to the exclusive jurisdiction and sovereignty of the United States.

Great Britain, on her part, offers to make the river the boundary; each country retaining the bank of the river contiguous to its own territories, and the navigation of it remaining forever free, and upon a footing of perfect equality to both nations.

* Those views were carried into effect. The place was regularly taken possession of in the King's name on the 1st December, 1813, and the British flag was run up, with all the formalities of conquest, in place of the American standard.

To carry into effect this proposal on our part, Great Britain would have to give up posts and settlements south of the Columbia. On the part of the United States there could be no reciprocal withdrawing from actual occupation, as there is not, and never has been, a single American citizen settled north of the Columbia.

The United States declined to accede to this proposal, even when Great Britain had added to it the further offer of a most excellent harbor, and an extensive tract of country of the Straits of De Fuca—a sacrifice, tendered in the spirit of accommodation, and for the sake of a final adjustment of all differences, but which, having been made in this spirit, is not to be considered as in any degree recognising a claim on the part of the United States, or as at all impairing the existing right of Great Britain over the post and territory in question.

Such being the result of the recent negotiation, it only remains for Great Britain to maintain and uphold the qualified rights which she now possesses over the whole of the territory in question. These rights are recorded and defined in the convention of Nootka. They embrace the right to navigate the waters of those countries, the right to settle in and over any part of them, and the right freely to trade with the inhabitants and occupiers of the same. These rights have been peaceably exercised ever since the date of that convention; that is, for a period of nearly forty years. Under that convention, valuable British interests have grown up in those countries. It is fully admitted that the United States possess the same rights, although they have been exercised by them only in a single instance; and have not, since the year 1813, been exercised at all. But, beyond these rights they possess none.

To the interests and establishments which British industry and enterprise have created Great Britain owes protection. That protection will be given, both as regards settlement and freedom of trade and navigation, with every intention not to infringe the co-ordinate rights of the United States; it being the earnest desire of the British Government, so long as the joint occupancy continues, to regulate its own obligations by the same rule which governs the obligations of any other occupying party.

Fully sensible, at the same time, of the desirableness of a more definite settlement, as between Great Britain and the United States, the British Government will be ready, at any time, to terminate the present state of joint occupancy by any agreement of limitation; but such an arrangement only can be admitted as shall not derogate from the rights

of Great Britain, as acknowledged by treaty, nor prejudice the advantages which British subjects, under the same sanction, now enjoy in that part of the world.

(No. 5.)

Convention between the United States and Great Britain, signed at London October 20th, 1818.

Art. 2. It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the 49th parallel of north latitude, or if the said point shall not be in the 49th parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west, along with said parallel, shall be the line of demarkation between the territories of the United States and those of his Britannic Majesty; and that the said line shall form the northern boundary of the said territories of the United States and the southern boundary of the territories of his Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

Art. 3. It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free, and for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country; nor shall it be taken to affect the claims of any other power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves.

(No. 6.)

The Florida treaty, signed at Washington, February 22, 1819.

Art. 3. The boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river

Sabine, in the sea, continuing north along the western bank of that river to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red river; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London, and 23 from Washington; then crossing the said Red river, and running thence, by a line due north, to the river Arkansas; thence following the course of the southern bank of the Arkansas, to its source, in latitude 42° north; and thence, by that parallel of latitude, to the South Sea; the whole being laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818. But if the source of the Arkansas river shall be found to fall north or south of latitude 42°, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42°, and thence, along the said parallel, to the South Sea; all the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say, the United States hereby cede to his Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above described line; and, in like manner, his Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and for himself, his heirs, and successors renounces all claim to the said territories forever.

(No. 7.)

Convention between the United States and Great Britain, signed at London, August 6th, 1827.

Art. 1. All the provisions of the third article of the convention concluded between the United States of America and his Majesty the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are hereby, further indefinitely ex-

tended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

Art. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

Art. 3. Nothing contained in this convention, or in the third article of the convention of the 20th October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky Mountains.

(No. 8.)

The instructions of the merchant proprietors to John Meares.

• • • Should you, in the course of your voyage, meet with any Russian, English, or Spanish vessels, you will treat them with civility and friendship, and allow them, if authorized, to examine your papers, which will show the object of your voyage. But you must, at the same time, guard against surprise. Should they attempt to seize you, or even carry you out of your way, you will prevent it by every means in your power, and repel force by force. You will, on your arrival in the first port, protest, before a proper officer, against such illegal procedure, and ascertain, as nearly as you can, the value of your vessel and cargo, sending such protest, with a full account of the transaction, to us, at China. Should you, in such conflict, have the superiority, you will then take possession of the vessel that attacked you, as also her cargo, and bring both, with the officers and crew, to China, that they may be condemned as legal prizes, and their crews punished as pirates.

Wishing you a prosperous voyage, &c.

(Signed,)

THE MERCHANT PROPRIETORS.

